



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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सं० २६] नई दिल्ली, शनिवार, जून २९, १९६८/आसाध ८, १८९०

No. 26] NEW DELHI, SATURDAY, JUNE 29, 1968/ASADHA 8, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र १५ जून, १९६८ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 15th June, 1968 :—

Issue No.	No. and Date	Issued by	Subject
204	S O. 2070, dated 10th June, 1968.	Ministry of Industrial Development and Company Affairs	Extending the period of tenure, for a further period of three months from the 11th June, 1968, of the management of the India Electric Works Ltd, Calcutta.
205	S O 2071, dated 11th June, 1968	Ministry of Home Affairs	Directions from the President to the Lt. Governor of the Union territory of Pondicherry.
206	S O. 2145, dated 11th June, 1968.	Ministry of Commerce	Amendments to the Exports (Control) Order, 1968.
207	S.O 2146, dated 12th June, 1968.	Ministry of Railways	Appointment of Shri A B Datar, IAS as a whole time claims Commissioner.
एस० ओ० २१४७	दिनांक १२ जून, १९६८	रेल मंत्रालय	श्री ए० बी० दातार, आई० ए० एस० की पूर्णकालिक सेवा आवृत्ति की नियुक्ति।



Issue No.	No. and Date	Issued by	Subject
208	S.O. 2148, dated 13th June, 1968.	Ministry of Information and Broadcasting	Approval of the films as specified therein.
209	S.O. 2149, dated 15th June, 1968.	Ministry of Finance	Notifying the National Small Industries Corporation Limited, New Delhi.
210	S.O. 2150, dated 15th June, 1968.	Central Board of Direct Taxes	Corrigenda to S.O. 813 dated 29th February, 1968.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## भाग II—खण्ड 3—उपखण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(१) मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

### VICE-PRESIDENT'S SECRETARIAT

New Delhi, the 21st June 1968

S.O. 2235.—In continuation of this office notification No. 2824 of 6th March, 1968, and in exercise of the powers conferred by Section 10 of the Panjab University Act 1947, the Chancellor of the Panjab University, Chandigarh, is pleased to decide that Shri Suraj Bhan, Vice-Chancellor of the Panjab University, will also be entitled to the benefits of the Panjab University Provident Fund, like other whole-time employees of the University.

[No. 642/68.]

S NILAKANTAN,

Secy. to Vice-President.

### ELECTION COMMISSION OF INDIA

#### ORDERS

New Delhi, the 7th June 1968

S.O. 2236.—Whereas the Election Commission is satisfied that Shri Gokul Murmu of village Dhanukpuja, P.O. Pakur, Dist. Santhal Parganas (Bihar), a contesting candidate for election to the House of the People from Rajmahal constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;



Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gokul Murmu to be disqualified for being chosen of and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/24/67(29).]

**S.O. 2237.**—Whereas the Election Commission is satisfied that Shri Nikolus Tudu of village Aranbona, P.O. Mandro, Dist Santhal Parganas (Bihar), a contesting candidate for election to the House of the People from Rajmahal constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Nikolus Tudu to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/24/67(30).]

*New Delhi, the 10th June 1968*

**S.O. 2238.**—Whereas the Election Commission is satisfied that Shri Rahman of Village Rajpur, P O Sabour, District Bhagalpur, Bihar, a contesting candidate for election to the House of the People from Banka constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rahman to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/27/67(34).]

By order,

A. N. SEN, Secy.

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## MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 18th June 1968*

**S.O. 2239.**—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorise Shri V. P. Bhatia, Assistant in the Consulate General of India, Frankfurt, to perform the duties of a Consular Agent with immediate effect until further orders.

[No. T/4330/1/68.]

**S.O. 2240.**—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorise Shri R. P. Sood, Assistant in the Embassy of India, Helsinki to perform the duties of a "Consulat Agent", with immediate effect until further orders.

[No. T. 4330/1/68.]

S. K. CHATTERJEE, Under Secy. (Consular).



**MINISTRY OF COMMERCE****(Office of the Jt. Chief Controller of Imports and Exports)****ORDER***Calcutta, the 24th May 1968*

**S.O. 2241.**—A licence No. P/SS/1627955/C/XX/25/C/C/25-26 dated 16th February, 1968 of the value of Rs. 4,500 for import of Organic Pigment colours and Oil Soluble colour as per Policy Book was issued to M/s. Laxmi Plastic Colouring Co., 34/A, Raja Naba Krishna Street, Calcutta-5 subject to the conditions as under:—

- (a) all items imported under it shall be used only in the licence holders' factory at the address shown in the application against which the licence is issued and no portion thereof will be utilised by the licensee for a unit/purpose other than the one for which the licence in question is issued, or will be sold or permitted to be utilised by any other party. The licensee shall maintain proper account of consumption and utilisation of the goods imported against the licence.

2. Thereafter, a show cause notice No. 197/67/E & L dated 3rd May, 1968, was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the factory has been closed in terms of Clause 9, sub-clause (cc).

3. No response to the aforesaid show cause notice has been received from M/s. Laxmi Plastic Colouring Co., Calcutta.

4. The undersigned has carefully examined the case and has come to the conclusion that the purpose for which licence in question was issued would not be served.

5. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1627955/C/XX/25/C/C/25-26 dated 16th February, 1968, for Rs. 4,500 issued in favour of M/s. Laxmi Plastic Colouring Co., 34/A, Raja Naba Krishna Street, Calcutta-5.

[No. 197/67/E &amp; L.]

J. MUKHERJI,

Dy. Chief Controller of Imports and Exports.

**(Office of the Jt. Chief Controller of Imports and Exports)****(C.L.A.)****ORDER***New Delhi, the 17th June 1968*

**S.O. 2242.**—M/s. New Metal Works, M. 30, Industrial Area, Jullundur city (PB), were granted an import licence No. P/SS/1606814/C/XX/25/C-D/23-24 dated 15th May, 1967, for the import of copper, zinc and tin, falling under I.T.C. S. Nos., respectively, 47/I, 44(A)/I and 45(a)/I, for Rs. 2,96,512/- (Two lakhs ninety six thousand five hundred and twelve) only. It was revalidated up to 15th August, 1968. They have applied for issue of a duplicate copy of the Customs purposes copy thereof, on the ground that their original copy has been lost/misplaced, after having been utilised for Rs. 2,72,728/- and having been registered at Bombay Customs House.

2. The applicant have filed an affidavit, in support of their contention, as required under para. 299(2) read with appendix-8 of the I.T.C. Hand Book of Rules and Procedure, 1968. I am satisfied, the original Customs purposes copy of the said lic., has been lost/misplaced.

3. In exercise of the powers conferred on me, under clause 9(cc), Imports (Control) Order, 1955, dated 7th December, 1955, as amended up to 31st March, 1968, I order the Cancellation of the Customs purposes Copy of import licence No. P/SS/1606814/C/XX/25/C-D/23-24 dated 15th May, 1967, revalidated up to 15th August, 1968.



4. The applicant are now being issued a duplicate Copy of Customs purposes Copy of the said import licence, in accordance with para 299(2), I.T.C. Hand Book of Rules and Procedure, 1968.

[No. F. P.N. 155/66/N. 31/AM. 67/AU. PB/CLA/1680.]

J. S. BEDI,

Joint Chief Controller of Imports and Exports.

(Office of the Controller of Imports and Exports)

ORDER

*New Delhi, the 18th June 1968*

S.O. 2243.—M/s. The Indian Rayon Corporation Ltd., Bombay were granted an import licence No. 001190-CCICG dated 6th May, 1957 for Rs. 2,16,91,912 (Rupees two crores, sixteen lakhs, ninety-one thousand, nine hundred and twelve only) as revised. They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been misplaced. It is further stated that the original Customs Purpose Copy was registered with the Customs authorities at Veraval and utilised fully.

2. In support of this contention, the applicant has filed an affidavit. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore, in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order 1955 dated 7th December, 1955, as amended, the said original Customs Purposes copy of licence No. 001190-CCI-CG dated 6th May, 1957, issued to M/s. The Indian Rayon Corporation Ltd., Bombay is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. CG.I/13(9)/57-Vol. III.]

Y. J. DENNISON,

Dy. Chief Controller of Imports and Exports.

(Office of the Dy. Chief Controller of Imports and Exports)

ORDER

*Panjim, the 18th June 1968*

SUBJECT:—Order for cancellation of Customs Purposes copy of licence No. P/EI/0001417/C/XX/19/C/G/18, dated 23rd June 1964 for Rs. 500/- issued in favour of M/s Vitola Naguexa Poi, Panjim.

S.O. 2244.—M/s. Vitola Naguexa Poi, Panjim were granted an import licence No. P/EI/0001417 dated 23rd June 1964 for Rs. 500/- for import of watches for the licensing period October—March 1964 from General Area. They have applied for duplicate of Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost. It is further stated that the original licence is not registered with any Customs house and not utilised at all.

In support of this contention the applicant has filed an affidavit on stamped paper duly attested. I am satisfied that the original licence No. P/EI/0001417, dated 23rd June 1964 has been lost and direct that the duplicate Customs purposes copy of licence should be issued to the applicant. The original licence No. P/EI/0001417, dated 23rd June 1964 is cancelled.

[No. EI/308-d-IV/163/OM64.]

R. D. PAWAR,

Dy. Chief Controller of Imports & Exports.



# MINISTRY OF STEEL, MINES & METALS

(Department of Mines and Metals)

## ERRATUM

New Delhi, the 18th June 1968

S.O. 2245.—In the notification of the Government of India in the Ministry of Steel, Mines and Metals (Department of Mines and Metals) published as No. S.O. 1354, dated the 6th April, 1968, at pages 1846 to 1847 of the Gazette of India Part-II, Section 3, Sub-section (ii), dated the 20th April, 1968, at page 1847—

- (i) in line 4 for "Fatraj Block", read "Jatraj Block";
- (ii) in Serial No. 10, for "Pandania", read "Padania";
- (iii) in line 32 "Boundary Description C-D", for "Khodr", read "Khodri".

[No. C2-22(18)/63.]

M. S. K. RAMASWAMI, Dy. Secy.

# MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 19th June 1968

S.O. 2246.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemical S.O. No. 842 dated 28th February, 1968, under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (1) of that section, the Central Government direct that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

## SCHEDULE

### Ahmedabad Project

(For laying Pipeline from 86 tp G.G.S.I.)

State : Gujarat

Distt: Gandhinagar

Tal: Gandhinagar

Village	S. No.	Hector	Are	P. Are.
1	2		3	
Sertha . . . . .	1131	0	3	24
Sertha . . . . .	1132/A	0	7	18
Sertha . . . . .	1134/1	0	0	66
Sertha . . . . .	1133/2	0	4	15
Sertha . . . . .	1133/3B	0	3	4
Sertha . . . . .	1133/3A	0	2	92
Sertha . . . . .	1133/1	0	1	41



1	2	3	
Sertha . . . . .	1139		
Sertha . . . . .	1144	0	1 41
Sertha . . . . .	1422	0	8 79
Sertha . . . . .	1143/1A	0	1 1
Sertha . . . . .	1143/1B	0	6 47
Sertha . . . . .	1143/2A		
Sertha . . . . .	1143/2B	0	9 61
Sertha . . . . .	1059		
Sertha . . . . .	1058/3A	0	3 54
	or		
	1058/3B	0	2 72
Sertha . . . . .	1058/2	0	9 31
Sertha . . . . .	1057	0	1 1
Sertha . . . . .	1056/2/4	0	5 56
Sertha . . . . .	1056/2/5	0	4 65
Sertha . . . . .	1066/1	0	2 12
Sertha . . . . .	1056/2/5	0	4 35
Sertha . . . . .	1056/2/8	0	8 69
Sertha . . . . .	1056/2/8	0	8 89
Sertha . . . . .	1037/3	0	7 18

[No. 28(2)/68-IOC(a.)]

R. N. CHOPRA, Under Secy.

## MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT ORDER

*New Delhi, the 14th June 1968*

S.O. 2247.—Whereas the Government of India in the late Ministry of Health has, by notification No. 16-15/61-MI dated the 27th March, 1962, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Licenciado en Medicina Cirugia" granted by the University of Valencia (Spain) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (i) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of issue of this Order or so long as Dr. Montagut Freixas Mariadel Rosario who possesses the said qualification, continues to be employed with the Society of Christ Jesus, Bethlehem House, Mahakali Road, Andheri, Bombay to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Montagut Freixas Mariadel Rosario shall be limited subject to the condition that the said doctor continues to be enrolled as a medical practitioner for the said period in accordance with the law regulating the registration of medical practitioners in her country.

[No. F. 19-15/68-MPT.]

L. K. MURTHY, Under Secy.

## MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Works and Housing)

*New Delhi, the 15th June 1968*

S.O. 2248.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12, and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following amendments in the notification of the



Government of India in the late Ministry of Works, Housing and Supply No. S.R.O. 635, dated the 28th February, 1957, namely:

In the Schedule to the notification—

(1) In Part II, General Central Service, Class III—

(a) under the sub-heading "Central Public Works Department" in columns 2, 3 and 5, for the entry "Chief Engineer" wherever it occurs, the entry "Engineer-in-Chief" shall be substituted;

(b) under the heading "Other Offices",—

(i) in column 2, 3 and 5 for the entry "Chief Engineer" wherever it occurs, the entry "Engineer-in-Chief" shall be substituted;

(ii) in column 5 for the entry "Additional Chief Engineer (Vigilance)" the entry "Chief Engineer (Vigilance)" shall be substituted.

(2) In Part III, General Central Service, Class IV, under the heading "Superintending Engineer's Office", in column 5, for the entry "Chief Engineer" the entry "Engineer-in-Chief" shall be substituted.

[No. 8/1/68-AV.]

R. MEHTA, Dy. Secy.

## MINISTRY OF INFORMATION & BROADCASTING

### ORDERS

*New Delhi, the 18th June 1968*

**S.O 2249**—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay, hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

#### THE FIRST SCHEDULE

- (1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

#### THE SECOND SCHEDULE

Sl. No.	Title of the Film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with News and current events or a documentary film.
1	2	3	4	5	6
1	Vikas No Dodh Dayakho.	606.22 M	Director of Information, Government of Gujarat Sachivalaya, Ahmedabad.		Film intended for Educational purposes. (For release in Gujarat Circuit only).



*New Delhi, the 21st June 1968*

**SO. 2250.**—In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 3792 dated the 2nd December, 1966, the Central Government after considering the recommendations of the Film Advisory Board, Bombayhere, by approves the films specified in column 2 of the Schedule annexed hereto in all their language versions to be of the description specified against each in column 6 of the said Schedule.

SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purpose or a film dealing with news and current events or documentary film.
1	2	3	4	5	6
1	Indian News Review No. 1028.	300.75 M	Films Division, Government of India, 24-Peddar Road, Bombay-26.		Film dealing with news and current events.
2	Short Cut to Calamity	33.00 M	General Manager (PR) Western Railway, Churchgate, Bombay-1.		Film intended for Educational purposes.
3	Life Can be Explosive	36.58 M	Do.		Do.

[No. F. 24/1/68-FP App./1266]

BANU RAM AGGARWAL,

Under Secy

MINISTRY OF TOURISM AND CIVIL AVIATION

*New Delhi, the 18th May 1968*

**S.O. 2251.**—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification Control and Appeal) Rules 1955, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications, No. S.R.O. 631-B, dated the 28th February, 1957, namely:—

In the Schedule to the said notification in Part III—General Central Service, Class IV, under the heading “Aerodrome Officers in charge of Gazetted Officers” for the existing entries, the following entries shall be substituted, namely:—

1	2	3	4	5
‘All posts	Senior Aerodrome Officer, or Aerodrome Officer, or Assistant Aerodrome Officer, or Assistant Communication Officer, or Assistant Technical Officer, concerned.	Senior Aerodrome Officer, or Aerodrome Officer, or Assistant Aerodrome Officer, or Assistant Communication Officer, or Assistant Technical Officer concerned.	All	Controller of Aerodromes.” of

[No. 10-VE(3)/67.]

P. PRASAD. Under Secy.



**MINISTRY OF RAILWAYS****(Railway Board)****CORRIGENDUM***New Delhi, the 18th June 1968*

S.O. 2252.—Please read “460 Down Goods” for “406 Down Goods” appearing in fifth line of this Ministry’s Notification of even number dated 31st May, 1968.—Extraordinary Issue.

[No. E(O) II-68-AP1/4.]

C. S. PARAMESWARAN, Secy.

**रेल मंत्रालय****(रेलवे बोर्ड)****शुद्धि-पत्र**

नई दिल्ली, 18 जून 1968

एस० ओ० 2253.—कृपया इस मंत्रालय की 31 मई, 1968 की समसंख्यक असाधारण अधिसूचना की पाँचवीं लाइन में “406 डाउन माल” की जगह “460 डाउन माल” पढ़ें।

[सं० ई० (ओ) II-68-ए-पी 1/4.]

सी० एस० परमेश्वरन, सचिव।

**DEPARTMENT OF COMMUNICATIONS****(P. and T. Board)***New Delhi, the 19th June 1968*

S.O. 2254.—In pursuance of para (a) of section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 16th July, 1968, as the date on which the Measured Rate System will be introduced in Mercara Telephone Exchange.

[No. 5/47/68-PHB.]

D. R. BAHL,

Assistant Director General (PHB).

**संचार विभाग****(डाक तार बोर्ड)**

नई दिल्ली 19 जून 1968

एस० ओ० 2255.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने मरकरा टेलिफोन केन्द्र में 16-7-68 से प्रभावी लागू करने का निश्चय किया है।

[सं० 5-47/68 पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी०एच०बी०).



## MINISTRY OF EDUCATION

New Delhi, the 20th June 1968

S.O. 2256.—In exercise of the powers conferred by section 13 of the Hindi Sahitya Sammelan Act, 1962 (13 of 1962), and in continuation of the notification of the Government of India in the Ministry of Education No. S.O. 47 dated the 21st December, 1967, the Central Government hereby specifies a further period upto and including the 27th December, 1968, as the period within which the first Governing Body shall arrange to hold elections to the Governing Body in accordance with the provisions of the rules made under section 12 and take such further steps as may be necessary for its due constitution within the period specified above.

[No. F.19-55/62-H.I.]

N. S. BHATNAGAR, Under Secy.

### शिक्षा मंत्रालय

नई दिल्ली, 20 जून 1968

एस० ओ० 2257.—हिन्दी साहित्य सम्मेलन अधिनियम, 1962 (1962 का 13) की धारा 13 द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और भारत सरकार, शिक्षा मंत्रालय की तारीख 21 दिसम्बर 1967 की अधिसूचना संख्या एस० ओ० 47 के सिलसिले में केन्द्रीय सरकार इसके द्वारा उस अवधि को और आगे 27 दिसम्बर 1968 तक (यह तारीख अवधि में शामिल है) बढ़ाती है जिसके भीतर प्रथम शासी निकाय को धारा 12 के अन्तर्गत निर्धारित नियमों के उपबन्धों के अनुसार शासी निकाय के चुनाव कराने की व्यवस्था करनी होगी और आगे वह कार्यवाही करनी होगी जो उपरि निर्दिष्ट अवधि के भीतर उसके समुचित गठन के लिए आवश्यक है।

[सं० एफ-19-55/62 एच I.]

निरंकार स्वरूप भटनागर, अनुसचिव।

### औद्योगिक विकास तथा समवाय-कार्य मंत्रालय

#### (औद्योगिक विकास विभाग)

#### आदेश

नई दिल्ली, 30 अप्रैल 1968

एस० ओ० 2258 आई० डी० आर० ए०/6/5.—उद्योग (विकास तथा नियमन) अधिनियम 1951 (1951 का 65) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा विकास परिषदें (कार्य विधि सम्बन्धी) नियम 1952 के नियम 2, 4 और 5 के साथ पढ़ते हुए केन्द्रीय सरकार एतद्वारा विद्युत ऊर्जा (घरों में काम आने वाले मोटरों तथा पैनल यंत्रों को छोड़ कर) विद्युत उत्पन्न करने पा रेषण और वितरण के लिये बिजली की मोटरों और मशीनों तथा उपकरणों के निर्माण अथवा उत्पादन में लगे अनुसूचित उद्योगों की विकास परिषद में उन सदस्यों के स्थान पर जिनकी नियुक्ति भारत सरकार, उद्योग मंत्रालय के आदेश संख्या एस० ओ० 1075/आई० डी० आर० ए०/6/5 दिनांक 5 मार्च 1966 के द्वारा की गई थी जिसमें समय समय पर संशोधन किया गया था कार्यकाल समाप्त हो जाने अथवा



अन्य कितों कारण से यह आदेश जारी किए जाने को तारीख से निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए मंदस्व नियुक्त करती है :—

### भारी वैद्युत उद्योग की विकास परिषद

#### अध्यक्ष

1. श्री डी० डी० देनार्द, अध्यक्ष, पावर केबल्स लि०, 24, ब्रेल्वी सैयद अब्दुल्ला रोड.

#### बम्बई-1

#### सदस्य

2. श्री एम० स्वयम्बू, अध्यक्ष, हैवी इलैक्ट्रिकल्स लि०, भोपाल ।
  3. श्री सच्चिदानन्द मूर्ति, प्रबन्ध निदेशक, एन० जी० ई० एफ० लि०, बंगलौर ।
  4. श्री रवि एन० किलीस्कर, मै० किलीस्कर इलैक्ट्रिक कं० लि०, मलेश्वरम बंगलौर-3 ।
  5. श्री के० सी० मैत्रा, मै० गेस्ट, कोन, विलियम लि०, (साकी प्रभाग) बम्बई-1
  6. श्री के० ईश्वरन, मै० हैकट्रिज-हैविटिक एण्ड एसन लि०, मद्रास -1
  7. श्री आई० के० गुप्त, प्रबन्ध निदेशक, हिन्दुस्तान केबल्स लि०, डाकखाना हिन्दुस्तान केबल्स, जिला बर्दवान, पश्चिम बंगाल ।
  8. श्री पीर मुहम्मद, अल्युमिनियम इण्डस्ट्रीज लि०, कुन्दरा ।
  9. श्री डी० मजुमदार, निदेशक विकास आयुक्त, लघु उद्योग का कार्यालय, नई दिल्ली ।
  10. श्री के० आर० चौधरी, मै० इलैक्ट्रिक ट्रांसफार्मर्स एण्ड इक्विपमेंट कं०, हैदराबाद-16
  11. श्री ए० के० घोष, सदस्य, तापीय केन्द्रीय जल विद्युत आयोग, नई दिल्ली ।
  12. श्री सी० नरसिंहन, अध्यक्ष, आन्ध्र प्रदेश राज्य बिजली बोर्ड, हैदराबाद ।
  13. श्री बी० सी० कपूर, अध्यक्ष, आसाम राज्य बिजली बोर्ड, शिलांग ।
  14. श्री जेड० एस० हक०, मुख्य अभियन्ता, बिहार राज्य बिजली बोर्ड, पटना ।
  15. श्री बी० एन० बनर्जी, मुख्य अभियन्ता, (जेनरेशन), पश्चिम बंगाल राज्य बिजली बोर्ड, कलकत्ता ।
  16. प्रो० एच० वी० गोपालकृष्ण, भारतीय विज्ञान संस्थान, बंगलौर ।
  17. श्री वाई० एस० बेंकटेश्वरन, भारतीय मानक संस्था, नई दिल्ली ।
  18. मेजर-जनरल सी, एस० राय, कमांडर, तकनीकी ग्रुप ई० एम०, ई०, दिल्ली कैंट ।
  19. श्री सत्यप्रकाश, उप निदेशक, रेलवे भंडार, (विकास), रेलवे बोर्ड, नई दिल्ली ।
  20. श्री के० एन० शिनाय, उप सचिव, औद्योगिक विकास विभाग, नई दिल्ली ।
  21. कानल, वी० पी० एस० सेनन, औद्योगिक सलाहकार, तकनीकी विकास महानिदेशालय, नई दिल्ली ।
  22. श्री एम० नारायण रेड्डी, संसद सदस्य, (लोक सभा), जिला, निजामाबाद, आन्ध्र प्रदेश ।
  23. श्री बी० एन० बालिगा, मुख्य (चीफ) (पावर), योजना आयोग, योजना भवन, नई दिल्ली ।
- श्री आर० के० गुप्त, विकास अधिकारी, तकनीकी विकास का महानिदेशालय नई दिल्ली को एतद्वारा उपरोक्त विकास परिषद के सचिव के कार्य करने के लिए नियुक्त किया जाता है ।



नई दिल्ली, 13 जून 1968

एस० ओ० 2259.—उद्योग (विकास तथा नियमन) अधिनियम, 1951 (1951 का 65) एवं विकास परिषदें (कार्याविधि) नियम, 1952 के नियम 2, 4 और 5 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के औद्योगिक विकास तथा समवाय-कार्य मंत्रालय (औद्योगिक विकास विभाग) के आदेश संख्या एस० सी०/आई० डी० आर० ए०/6/5 दिनांक 30 अप्रैल, 1968 को जारी रखते हुए, केन्द्रीय सरकार एन० द्वारा भारत हेवी इलेक्ट्रिकल्स लिमिटेड, नई दिल्ली के आयोजन और विकास प्रमुख, श्री एन० वेंकटेशन को विद्युत मीटरों एवं विद्युत शक्ति उत्पन्न करने, पारेषण तथा वितरण हेतु (घरेलु काम में आने वाले मीटरों और वेनल यंत्रों को छोड़कर) निर्माण या उत्पादन में लगे अनुसूचित उद्योगों की विकास परिषद् का सदस्य नियुक्त करती है।

[आई० डी० आर० ए०/6/5.]

उन वैद्य उपकरणों की सूची तैयार करने के लिए एक समिति का निर्माण जो या तो देश में ही उपलब्ध है अथवा जो भविष्य में तत्काल ही उपलब्ध हो जायेंगी।

एस० ओ० 2260.—औद्योगिक विकास तथा समवाय-कार्य मंत्रालय (औद्योगिक विकास विभाग) की अधिसूचना सं० एस० ओ० 1212 दिनांक 12 मार्च, 1968 को जारी रखते हुए जो भारत के अमाधारण राजपत्र के भाग 2, खण्ड 3(2) दिनांक 28 मार्च, 1968 में प्रकाशित हुई थी, भारत हेवी इलेक्ट्रिकल्स लिमिटेड के श्री एन० वेंकटेशन, प्रमुख, आयोजन और विकास तथा विक्री समन्वय को एतद् द्वारा हम समिति का सदस्य नियुक्त किया जाता है।

[सं० ई० ई० आई० 19 (26)/67.]

के० एस० रंगामूर्ति, उप सचिव।

## MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

### ORDERS

New Delhi, the 13th June 1968

S.O. 2261/IDRA/6/5.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) and with Rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952 and in continuation of the order of the Government of India in the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) No. S.O./IDRA/6/5 dated the 30th April, 1968, the Central Government hereby appoints Shri N. Venkatesan, Chief Planning and Development, Bharat Heavy Electricals Ltd., New Delhi to be member of the Development Council for the scheduled industries engaged in the manufacture or production of electric motors and of machinery and equipment of the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments).

[No. EE1-19(20)63.]

*Constitution of a Committee to prepare a list of electrical equipment which are available indigenously or which would be available in the immediate future.*

S.O. 2262.—In continuation of the notification of the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) No. S.O. 1212 dated 12th March, 1968, published in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated the 28th March, 1968, Shri N. Venkatesan,



Chief, Planning and Development and Sales Coordination. Bharat Heavy Electricals Ltd., is hereby appointed as a Member of the Committee.

[No. EE1-19(26)67.]

K. S. RANGAMURTI, Dy. Secy.

(Department of Industrial Development)

ORDER

New Delhi, the 17th June 1968

**S.O. 2263/15/IDRA/68.**—In exercise of the powers conferred by section 15 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) and in partial modification of the notified order of the Government of India in the Ministry of Industrial Development and Company Affairs No. 1762/15/IDRA/68, dated 20th May, 1968, the Central Government hereby appoints, for the purpose of making a full and complete investigation into the industrial undertakings mentioned therein, a body of persons consisting of:—

1. Shri S. Krishnamurthy.—*Chairman.*
2. Shri A. K. Ekambaran.—*Member.*
3. Shri V. N. Moralwar.—*Member.*
4. Shri R. Seshadri.—*Member-Secretary.*

[No. 9(6)/Lic. Pol./68.]

R. C. SETHI, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 15th June 1968.

**S.O. 2264.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Dhori Colliery of Messrs Sarangarh Coal Company (Dhori), Post Office Bermo, District Hazaribagh and their contractors Messrs Phusro Coal and Construction Company, Post Office Bermo, District Hazaribagh, and their workmen, which was received by the Central Government on the 11th June, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)  
AT DHANBAD

**PARTIES:**

Shri Nandagiri Venkata Rao, Presiding Officer.

Reference No. 26 of 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1967.

**PARTIES:**

Employers in relation to the Dhori Colliery of Messrs Sarangarh Coal Company (Dhori) Post office Bermo, District Hazaribagh, and the Contractors, Messrs Phusro Coal and Construction Company, Post office Bermo, District Hazaribagh of the one part

AND

Their workmen of the other part.

**APPEARANCES:**

*For the Employer.*—Shri D. Narsingh, Advocate and Shri S. S. Mukherjee, Advocate.

*For the Workmen.*—Shri Shankar Bose, Secretary Colliery Mazdoor Sangh.



STATE: Bihar

INDUSTRY: Coal.

Dhanbad, 4th June, 1963

14th Jayastha, 1890 Saka

## AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Dhori Colliery of Messrs Sarangarh Coal Company (Dhori) Post Office Bermo, District Hazaribagh and their contractors, Messrs Phusro Coal and Construction Company, Post office Bermo, District Hazaribagh of the one part and their workmen of the other part, by its order No. 2/25/65-LR.II dated 5th March, 1965 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below :

## SCHEDULE

- "(1) Whether the action of the management of the Dhori Colliery of Messrs Sarangarh Coal Company (Dhori) in extending the system of contract labour in the colliery was in contravention of the bipartite agreement and the Court of Enquiry Report, published in the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 2952, dated the 6th December, 1961, and was justified ?
- (2) Whether Messrs Phusro Coal and Construction Company appointed by the said management as sub-raising-cum-selling contractors are actually sub-raising-cum-selling contractors or only raising contractors, and whether appointment as such was justified ?
- (3) Whether the action of the management of the said colliery in transferring the services of their workmen employed in quarries, Karo East, 2, 3, 4 and 9 to Messrs Phusro Coal and Construction Company with effect from the 1st February, 1965, was justified ? If not, to what relief are the workmen, so transferred, entitled ?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 35 of 1965 on its file. Workmen as well as the employers filed their statements of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad, the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May 1967, under Section 33 B of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 26 of 1967.

3. The undisputed facts giving rise to the reference may be stated in brief. The quarries, Karo East, 2, 3, 4 and 9 form part of Dhori colliery situate in the district of Hazaribagh, Bihar State. Messrs Sarangarh Coal Co. (Dhori) (hereinafter referred to as the Contractors for the sake of facility) under a registered agreement of lease are the raising-cum-selling contractors for coal in respect of the entirety of the colliery for the period of 12 years from 1st March, 1961. By virtue of an agreement dated 15th January, 1965 the contractors appointed Messrs Phusro Coal and Construction Company as sub-raising-cum-selling contractors (hereinafter referred to as the Sub-contractors for the sake of facility) and the agreement of sub-lease dated 15th January, 1965 came into force with effect from 1st February, 1965. On 20th January, 1965 the Manager of the contractors issued a notice notifying all the workmen of Karo East 2, 3, 4 and 9 quarries of Dhori colliery intimating them that the above quarries were transferred to the sub-contractors with effect from 1st February, 1965, that the service conditions of the workmen of the quarries would not be affected in any manner by the transfer and that the workmen should report to duty as usual from 1st February, 1965 under the sub-contractors. On 1st February, 1965 a partner of the sub-contractors also issued a notice to the workmen of the quarries informing them of the sub-contractors having been appointed as raising-cum-selling contractors of the quarries and stating that the services of the workmen of the quarries would stand transferred to the sub-contractors with effect from 1st February, 1965, that the service conditions of the workmen would stand protected and counted as continuous and that the workmen should report for duties as usual at their respective working places in the quarries from 1st February, 1965. Now the case of the workmen is that the sub-contractors were not in fact "sub-raising-cum-selling contractors" as described by the contractors but they were in fact only "raising contractors" in the real sense of the term,



that the workmen of the quarries were transferred by the contractors to the sub-contractors without their consent and arbitrarily, that the said transfer of the workmen was prejudicial to their interest and that the transfer of the management of the quarries by the contractors to the sub-contractors was in violation of the bipartite agreement and the Report of the Court of Enquiry, published in the notification of the Government of India in the Ministry of Labour and Employment, S.O. No. 2952 dated 6th December, 1961. The workmen were represented by Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh, the contractors by Shri D. Narsingh, Advocate and the sub-contractors by Shri S. S. Mukherjee, Advocate. By consent of the workmen, Exts. M1 to M10 for the employers and by the consent of the employers, Exts. W1 to W3 for the workmen were marked. On behalf of the sub-contractors a witness was examined and Ext. M11 was marked.

4. The crucial point of dispute under reference is whether the sub-contractors were appointed in fact as sub-raising-cum-selling contractors or only as sub-raising contractors and the point is covered by para 2 of the schedule of the reference. The agreement under which the contractors appointed the sub-contractors as sub-raising-cum-selling contractors for the quarries is Ext. M1. It is not in dispute that the agreement is worked upon. Ext. M2 is a notice by a partner of the sub-contractors informing the workmen of the transfer and calling upon them to report to duties in the quarries as usual in their working places with effect from 1st February, 1965. Ext. M3 is the form B register. Ext. M4 is form D register. Ext. M5 contains leave applications of the workmen. Ext. M6 are wage-sheets for the period from 7th February 1965 to 21st February, 1965. Ext. M7 is a letter from the Regional Labour Commissioner (Central), Dhanbad warning the sub-contractors not to infringe the provisions of the Coal Mines Bonus Scheme, 1948 in respect of the workmen relating to the quarries. From these admitted documents it is abundantly proved that the agreement, Ext. M1 came into effect and the workmen of the quarries were working under the sub-contractors with effect from 1st February, 1965. The contention of the workmen is that the sub-contractors did only coal raising work and not selling. Ext. M8 is a Sales Tax Registration Certificate in favour of the sub-contractors for the year 1965-1966. Under the certificate the sub-contractors were liable to pay the tax with effect from 20th April, 1965. Exts. 9(a) to 9(j) are the copies of coal selling bills. It is manifest from them that the sub-contractors have been selling coal to different parties from 6th April, 1965. The agreement, Ext. M1 also shows in unambiguous terms that the sub-contractors were appointed as the sub-raising-cum-selling contractors to win, work, get, extract, raise, manufacture and sell all coal and coking in the quarries. From this material it is manifest that the sub-contractors were appointed and they are working as sub-raising-cum-selling contractors and not merely as sub-raising contractors. There is no rebuttal to this evidence. Ext. W1 is a letter from the Vice President, Colliery Mazdoor Sangh addressed to the contractors raising objection against appointment of the sub-contractors for the quarries and Ext. W2 is also in the same respect by several of the workmen. Ext. W3 is a letter from the Government of India, Ministry of Labour and Employment addressed to the Vice President, Colliery Mazdoor Sangh stating that the matter in dispute was taken up by the Division with the concerned Central Organisation of employers to do away with the contract. Shri Shankar Bose, the learned representative of the workmen has strenuously argued that through the letter, Ext. W3 the Government of India did not find the case of the employers, viz., that the sub-contractors were appointed sub-raising-cum-selling contractors, as true. But this opinion of the Government is of no avail, in as much as the opinion is not final as is seen by the very fact of the Government referring the dispute for adjudication. On this material I have no hesitation to hold that the sub-contractors were in fact appointed as "sub-raising-cum-selling contractors" and not merely as "sub-raising contractors" and in fact the sub-contractors have been working with effect from 1st February, 1965 as "sub-raising-cum-selling contractors".

5. As I have already pointed out, the contractors are the raising-cum-selling contractors for coal in respect of the entirety of the colliery for the period of 12 years from 1st March, 1961 under an agreement of lease from the owners and by the lease agreement, Ext. M1 dated 15th January, 1965, the contractors appointed the sub-contractors as sub-raising-cum-selling contractors for quarries, Karo East 2, 3, 4 and 9 forming part of the colliery for a period of 5 years. In other words the contractors have transferred the entire management of a part of the colliery to the sub-contractors by way of a sub-lease. It is contended on behalf of the workmen that the transfer was in contravention of the bipartite agreement and the Report of the Court of Enquiry published in the notification of the Government in the Ministry of Labour and Employment, S.O.



No. 2952 dated 8th December, 1961. The Report of the Court of Enquiry is Ext. M10 and the bipartite agreement is annexed with it. The Court of Enquiry was presided over by Shri L. P. Dave as sole Member and the terms of reference to him were as under :

- "(1) Whether the system of employment of labour through or by contractors and sub-contractors in the coal mining industry in the country can be abolished without impairing productivity, and, if so, in which case of employment and within what period ?
- (2) To the extent that contract system cannot be abolished in the industry what measures, statutory or otherwise, should be devised to ensure fair wages and conditions of employment to labour employed through or by contractors and sub-contractors'.

Pending the proceedings before the Court of Enquiry the parties filed an agreement and the Court adopted the agreement as the basis for the Report. The report held that in all processes directly connected with the raising and despatch of coal and manufacture and despatch of coak, contract labour should be abolished as early as possible, in any case not later than 30th September, 1962, except in the 7 cases specified in para 2 of the agreement. It can be seen from the report and the agreement that the matter related solely to the system of employment of labour. But in the instant case the transfer by way of a sub-lease from the contractors to the sub-contractors of a part of the colliery was in respect of the management in its entirety, i.e., to win, work, get, extract, raise, manufacture and sale of coal and coak in the quarries. Thus, the report of the Court of Enquiry, Ext. M10 and the agreement annexed to it are not relevant. Section 25 FF of the Industrial Disputes Act, 1947 clearly permits transfer of ownership or management of an undertaking by an agreement or by operation of law from the employer in relation to that undertaking to a new employer. The agreement, Ext. M1 also shows that under Clause 43 of the lease agreement in favour of the contractors from the owners, the contractors were entitled to create, grant, transfer or assign their privileges and obligations thereunder wholly or in part by way of sub-contract. There does not appear to be any bar in law for the transfer of the management of quarries, Karo East, 2, 3, 4 and 9 in favour of the sub-contractors by the contractors. For these reasons I find no force in the objection raised by the workmen against the transfer.

6. By the transfer of the management of quarries, Karo East, 2, 3, 4 and 9 by the contractors to the sub-contractors I do not find any prejudice is caused to the workmen of the quarries. The letter of the Manager of the contractors, Ext. M11 clearly pointed out to the workmen that all their service conditions stood protected under the transfer. It is pointed out that their past services would not be interrupted by the transfer and would be treated in continuity, that the terms and conditions of their service after the transfer would remain the same as those applicable to them immediately before the transfer while working directly under the contractors and that they would be governed by the same rules of discipline and approved Standing Orders which were applicable to them before such transfer. A partner of the sub-contractors through his letter, Ext. M2 also has given the same assurances to the workmen. There is no complaint from the workmen either that their wages or service conditions are affected adversely in any manner. It is argued for the workmen that their consent was not obtained before the transfer was effected. Section 25 FF relating to the transfer of an undertaking does not even provide for a notice in case where by the transfer the service conditions of the workmen are not affected. Under Section 2A of the Industrial Disputes Act, 1947 also no notice is contemplated to be given to the workmen for effecting any change in the conditions of service where the change is effected in pursuance of a settlement.

7. As a result of my above discussions I find :

(1) the action of the management of Dhori colliery of the contractors Messrs Sarangarh Coal Company (Dhori) in transferring the management of quarries, Karo East, 2, 3, 4 and 9 to the sub-contractors, Messrs Phusro Coal and Construction Company was not in contravention of the bipartite agreement and the Court of Enquiry Report published in the notification of the Government of India, in the Ministry of Labour and Employment, S.O. No. 2952, dated the 8th December, 1961, and it was justified.

(2) the sub-contractors, Messrs Phusro Coal and Construction Company appointed by the management as sub-raising-cum-selling contractors are actually sub-raising-cum-selling contractors and not only raising contractors and their appointment as such was justified.



(3) the action of the management of the said colliery in transferring the services of their workmen employed in quarries, Karo East 2, 3, 4 and 9 to the sub-contractors, Messrs Phusro Coal and Construction Company with effect from 1st February, 1965 was justified, and, as such, the workmen so transferred are not entitled to any relief.

Considering circumstances of the case no order is passed as to costs. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd/- N. VENKATA RAO,  
Presiding Officer,

Central Government Industrial Tribunal (No. 2 Dhanbad.)

#### APPENDIX I

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 26 OF 1967

Employers in relation to the Dhori Colliery of M/s. Sarangarh Coal Co.—*Employer(s)*

*Vs.*

Their workmen—*workmen*

#### List of Documents admitted in evidence for employer(s)

Distinguish- ing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Ex. M1	Agreement dated 15-1-65 for Sub-raising-cum-selling contract executed by M/s. Sarangarh Coal Co. in favour of M/s. Phusro Coal and Construction Co.	11-3-68	By consent		
Ex. M2	Copy of letter dt. 1-2-65 issued by M/s. Phusro Coal and Construction Co.	Do.	Do.		
Ex. M3	Form 'B' Register—2 nos	Do.	Do.		
Ex. M4	Attendance Register in Form 'D' & 'E' for 1965-66	Do.	Do.		
Ex. M5	Leave application—II	Do.	Do.		
Ex. M6	Wage sheets for the period from 7-2-65 to 21-2-65	Do.	Do.		
Ex. M7	Letters by the R.L.C.(C) Dhanbad-D-99 (K.E. 2.3.4.89)/66 dt. 26-10-66	Do.	Do.		
Ex. M8	Sales Tax Registration Certificate	Do.	Do.		
Ex. M9(a)	Copy of Coal selling bill dt. 6-4-65	Do.	Do.		
Ex. M9(b)	Copy of Coal selling bill dt. 6-4-65.	Do.	Do.		
Ex. M9(c)	Copy of Coal selling bill dt. 1-4-65	Do.	Do.		



1	2	3	4	5	6
Ex. M9(d)	Copy of Coal selling bill dt. 1-4-65	11-3-68	By consent		
Ex. M9(e)	Copy of Coal selling bill dt. 1-4-65	Do.	Do.		
Ex. M9(f)	Copy of Coal selling bill dt. 1-4-65	Do.	Do.		
Ex. M9(g)	Copy of Coal selling bill dt. 1-4-65	Do.	Do.		
Ex. M9(h)	Copy of Coal selling bill dt. 1-4-65	Do.	Do.		
Ex. M9(i)	Copy of Coal selling bill dt. 1-4-65	Do.	Do.		
Ex. M9(j)	Copy of Coal selling bill dt. 1-4-65	Do.	Do.		
Ex. M10	Report of the Central Government Court of Enquiry regarding contract Labour system in Coal Mining Industry	Do.	Do.		
Ex. M11	Letter Dt. 20-1-65 from the Manager of the Dhori Colliery to the workmen	1-6-68	On proof		

*List of Documents admitted in evidence for workmen*

Distinguishing mark or number	Description of Document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Ex. W1	Copy of letter of the Union addressed to the Sole proprietor, M/s. Sarangarh Coal Co.	11-3-68	By consent.		
Ex. W2	Copy of joint petition of the Workers addressed to the Colliery Manager	Do.	Do.		
Ex. W3	Original letter of the Addl. Secretary, Government of India, Ministry of Labour & Employment addressed to the Vice-President, Colliery Mazdoor Sangh, Bermo	Do.	Do.		

(Sd.) N. VENKATA RAO,  
Presiding Officer,  
Central Government Industrial Tribunal  
No. 2 Dhanbad.



## APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)  
AT DHANBAD

REFERENCE No. 26 OF 1967

Employers in relation to the Dhor: Colliery of M/s. Sarangarh Coal Co. ———Employer(s)

Vs.

Their Workmen —————Workmen

*List of Witness Examined for the Employers*

No. of witness	Name of witness	Date of examination
MW1	Lal Balkishore Nath Sahadeo	1-6-1968

*List of Witness Examined for the Workmen*

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

(Sd.) N. VENKATA RAO,

Presiding Officer,

Central Government Industrial Tribunal (No.2).

Dhanbad.

[No. 2/28/65-LR.II.]

S.O. 2265.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the matter of an application under Section 33A of the said Act from Goka Ramulu, Tub-repairing in-charge, Singareni Collieries Company Limited, Post Office Kothagudium Collieries, Care of Singareni Collieries Mazdoor Sangh, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen, which was received by the Central Government on the 11th June, 1968.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

## PRESENT:

Sri Mohammad Najmuddin. M.A., B.L., Chairman, Industrial Tribunal,  
Andhra Pradesh, Hyderabad.

MISCELLANEOUS PETITION No. 84 OF 1968.

IN

INDUSTRY DISPUTE No. 30 OF 1967.

## BETWEEN:

Singareni Collieries Mazdoor Sangh, P. O. Kothagudium Collieries (A.P.)—  
*Complainant.*

AND

Management, Singareni Collieries Co. Ltd., P.O. Kothagudium Collieries  
(A.P.)—*Opposite Party.*

## APPEARANCES:

Sri K. G. Kannabiran, Advocate, for the Complainant.

Sri M. V. Ramakrishna Rao, Assistant Personnel Officer, Singareni Collieries  
Company Ltd., Kothagudium Collieries.



## AWARD

This application is under Section 33A of the Industrial Disputes Act. The complaining applicant is shown as Singareni Collieries Mazdoor Sangh, Kothagudem, in the cause title of the application. In the body of the application the complainant is stated to be Goka Ramulu, and his designation is referred to as "tub-repairing in-charge". Industrial Dispute No. 30/67 is pending here. The parties to it are the Management of the Singareni Collieries Company Ltd. on the one side and its employees on the other. The issue in it is in respect of the general question of categorisation and wage structure. It is complained that while so, the Management had transferred the complainant to the Labour Training Pool, and this transfer is stated to affect the emoluments of the workman. Thus there is said to be violation on the provisions of Section 33 of the I.D. Act. This action on the part of the Management is characterised as illegal and mala fide. It is therefore prayed that the Management "may be directed not to effect such alterations without proper compliance of the provisions of the Act". The Management filed counter to say that applicant was Tub Repairer and not tub-repairing in-charge. It is admitted that the applicant was transferred to the Labour Training Pool, but it is denied that it had in any way affected his emoluments. It is also denied that the Management had, by transferring the applicant to the Labour Training Pool, in any way contravened the provisions of Section 33.

2. I heard arguments of Mr. K. G. Kannabiran for the applicant and of Mr. M. V. Ramakrishnarao the Assistant Personnel Officer, Kothagudem. Mr. Kannabiran filed order dated 19th October, 1962 by which sanction was accorded for grant of Category VII wages to the applicant Ramulu and to another, Anandan, "tub-repairing in-charge" at Nos. 7 and 5 Inclines respectively with effect from 1st October, 1962. In consequence of the above order, the Manager of Venkateswara Khani issued order dated 22nd October, 1962 intimating Ramulu that he was promoted as above said. These two documents are filed by Mr. Kannabiran. In that the Management had transferred Ramulu to the Labour Training Pool, that transfer being while I.D. No. 30 of 1967 is pending here, Mr. Kannabiran pointed out that there was violation of sub-section 1(a) of Section 33 of the I. D. Act. That provision of law enacts that during the pendency of a proceeding before the Tribunal no employer shall in regard to any matter connected with the dispute, alter, to the prejudice to the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding. It is no doubt true that Ramulu is concerned with the dispute in I. D. No. 30/67 but the question is if the Management had, by transferring him to the Labour Training Pool, violated the above said provision of law.

3. I do not think that the Management by transferring Ramulu to the Labour Training Pool had altered the conditions of service to his prejudice and had in consequence done anything violative of the above provision of law. It is admitted by Mr. Kannabiran across the Bar that neither in the report of the latest Coal Award, nor in the earlier Mozumdar Award, nor in the Tradesmen Agreement, is there such a Category as tub-repairing in-charge. What was Category VII according to Mozumdar Award is Category V according to the latest Coal Award. The question whether there should be such a designation as tub-repairing in-charge so far as concerns the Singareni Collieries, might arise for consideration in the dispute in I. D. No. 30/67. But for the purpose of the present order it is not necessary for me to go into that question. It is admitted by Mr. Kannabiran that while in the Labour Training Pool, Ramulu has been getting the same emoluments as he was getting before his transfer to the Labour Training Pool. This Labour Training Pool is a sort of residuary workers pool for the Singareni Collieries. Where in the exigencies of employment and mining operations some workers are found to be surplus at certain places, those workers are transferred to the Labour Training Pool from where they are allotted, as and when the need arises, to other divisions for work. Mr. Kannabiran said that from the Labour Training Pool Ramulu is sometimes sent out to other departments to work as mazdoor. There is no such allegation in the application. I am not prepared to believe that statement now made across the Bar. On the other hand, Mr. Ramakrishnarao pointed out that workers in the Labour Training Pool are allotted and circulated to the other divisions or departments for doing the same nature of work they had been doing prior to their transfer to the Labour Training Pool. That is understandable. I do not see how the transfer of Ramulu to the Labour Training Pool would amount to altering conditions of service applicable to him, and to his detriment. The case of the applicant is not that while in the Labour Training Pool he has been called upon to undertake more onerous duties or responsibilities than he was called upon to undertake before he was transferred



to the Labour Training Pool. His emoluments is protected. Therefore there is no question of violation of sub-section 1(a) of section 33 of the I. D. Act.

4. The applicant has no cause to complain under Section 33A. There is no relief to be granted to him. The application is rejected.

Award passed accordingly.

Given under my hand and the seal of the Tribunal, this the 1st day of June 1968.

(Sd.) M. NAJMUDDIN,  
Industrial Tribunal.

[No. 7/21/67-LRII.]

**S.O. 2266.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the Central Angarpathra Colliery of the Central Angarpathra Colliery Company, Post Office Sijua, District Dhanbad and their workmen, which was received by the Central Government on the 11th June, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2)  
AT DHANBAD .....

**PRESENT:**

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 129 of 1967.

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

**PARTIES:**

Employers in relation to the Central Angarpathra Colliery of the Central Angarpathra Colliery Company, Post Office Sijua, District Dhanbad.

AND

Their Workmen.

**APPEARANCES:**

*For the Employers.*—Shri S. S. Mukherjee, Executive Committee Member, Indian Colliery Owners' Association.

*For the Workmen.*—Shri Lalit Burman, General Secretary, Bihar Koyala Mazdoor Sabha.

**STATE:** Bihar.

**INDUSTRY:** Coal.

Dated, Dhanbad the 5th June, 1968./15th Jyaishta, 1890.

#### AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Central Angarpathra Colliery of the Central Angarpathra Colliery Company, Post Office Sijua, District Dhanbad and their workmen, by its order No. 2/40/66-LRII, dated, the 21st March, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

#### SCHEDULE

"Whether the action of the management of the Central Angarpathra Colliery of the Central Angarpathra Colliery Company, in not allowing Shri



Fagu Chamar, Mining Sirdar, to work with effect from the 2nd December, 1965, was justified? If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 66 of 1966 on its file. Workmen as well as the employers filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal by the Central Government by its order No. 8/25/67--LRII, dated, 8th May, 1967 under Section 33B of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 129 of 1967.

3. On 24th May, 1968 parties filed a compromise memo and it is duly verified. I consider the terms of the compromise as beneficial to the affected workman and the workmen. The compromise is, therefore, accepted and the Award is made in terms of the compromise. The compromise memo is annexed herewith and made part of the Award. The Award is submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.)- N. VENKATA RAO,  
Presiding Officer.

#### APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) T  
DHANBAD

#### REFERENCE No 129 OF 1967

#### PARTIES:—

Employers in relation to the Central Angarpathra Colliery of the Central Angarpathra Colliery Company, Post Office Sijua, District Dhanbad.

AND

Their workmen

#### *List of Documents Admitted in Evidence for Employer*

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Nil	Nil	Nil	Nil	Nil	Nil

#### *List of Documents Admitted in Evidence for the Workmen*

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Nil	Nil	Nil	Nil	Nil	Nil

(Sd.) N. VENKATA RAO,  
Presiding Officer.



## APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE No. 129 OF 1967

## PARTIES:—

Employers in relation to the Central Angarpathra Colliery of the Central Angarpathra Colliery Company, Post Office Sijua, District Dhanbad.

AND

Their workmen

*List of Witness Examined for the Employers*

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

*List of Witness Examined for the Workmen*

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

(Sd.) N. VENKETA RAO,  
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, DHANBAD

REFERENCE No. 129 OF 1967.

AND

In the matter of an Industrial Dispute.

## BETWEEN:

The employers in relation to Central Angarpathra Colliery.

AND

Their Workmen.

The parties abovenamed beg to submit as follows:—

That the above reference has been amicably settled between the parties on the following terms:—

1. That the employers have paid to Shri Fagu Chamar, the workman concerned in this dispute, a sum of Rs. 1300/- (Thirteen hundred only) in full and final settlement of all his claims and demands upto date (including Profit sharing bonus).

2. That the workman concerned will not press for his reinstatement.

3. That the parties will bear their own respective cost of this proceeding.



It is, therefore, humbly prayed that the reference may kindly be disposed off on the terms aforesaid and an Award passed in terms of the compromise.

for Employers,  
for Central Angarpathra Colliery Co.  
(Sd.) R. D. SACHDEVA,

Owner.  
10-5-1968.

for Workmen.

(Sd.) LALIT BURMAN.  
10-5-1968.

General Secretary,  
Bihar Koyla Mazdoor Sabha.

And

(Sd.) FAGU CHAMAR.  
(Fagu Chamar).

Workman concerned.

[No. 2/40/66-LRII.]

*New Delhi, the 17th June 1968*

S.O. 2267.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri K. Sharan, Arbitrator in the dispute between the management of East Basuria Colliery of Messrs East Basuria Colliery Company Private Limited, Post Office Kusunda, District Dhanbad and their workmen represented by Congress Mazdoor Sangh, Bihar which was received by the Central Government on the 3rd June, 1968.

BEFORE SHRI K. SHARAN, REGIONAL LABOUR COMMISSIONER (CENTRAL), ASANSOL

AND  
ARBITRATOR

PRESENT:

Shri K. Sharan, Regional Labour Commissioner (C), Asansol and Arbitrator.

PARTIES:

Employer in relation to:

East Basuria Colliery of M/s. East Basuria Coal Co., (P) Ltd., P.O. Kusunda, Distt., Dhanbad (Bihar).

*Vs.*

Their Workmen represented through the Congress Mazdoor Sangh, Bihar.

APPEARANCES

*For the employers:*

- (1) Shri D. Narsingh, Advocate, Dhanbad.
- (2) Shri K. G. Rewal, Manager, East Basuria Colliery.
- (3) Shri P. N. Chaturvedi authorised representative of the management.

*For workmen:*

- (1) Shri B. B. Pandey, Secretary, Congress Mazdoor Sangh, Bihar.
- (2) Shri Ram Kripal Singh, Assistant Secretary, Congress Mazdoor Sangh, Bihar, East Basuria Colliery Branch.

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

No. E-1(2)/68.

*Dated, the 28th May, 1968.*

AWARD

The Central Government, having received on 29th December, 1967, a written agreement between the employers in relation to East Basuria Colliery of M/s.



East Basuria Coal Co. (P) Ltd., P.O. Kusunda, Distt., Dhanbad (hereinafter referred to as the said company) and their workmen represented by the Congress Mazdoor Sangh, Bihar, P.O. Jealgora, Distt., Dhanbad (hereinafter referred to as the said union) in pursuance of the provisions of sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947) referring the industrial dispute between them, the specific matters in the dispute being as detailed below, to my arbitration and the Central Government being of the opinion that the industrial dispute referred to above exists between the said company and their workmen, ordered publication of the said arbitration agreement in the Gazette of India part II, Section 3, sub-section (ii) under its order No. 2/15/67-LRII dated 9th January, 1968:

### *Specific Matters in Dispute*

"Whether the management of East Basuria Colliery of M/s. East Basuria Coal Co. (P) Ltd., P. O. Kusunda, Distt. Dhanbad was justified in dismissing from services Shri Sachidanand Singh, Attendance Clerk with effect from 19th September, 1967? If not, to what relief is the workman concerned entitled?"

1. On 12th March, 1968, the date fixed for hearing, Shri D. Narsingh, Advocate, Dhanbad, authorised representative of the said company appeared before me on behalf of the said company and Shri Ram Kripal Singh, Assistant Secretary, Congress Mazdoor Sangh, Bihar was present on behalf of the workman. The latter filed a petition for adjournment of the hearing on the ground that Shri B. N. Sharma, President of the said union had gone to Patna in connection with other arbitration case. He further prayed for time for filing written statement. The representatives of the said company had no objection and accordingly with the consent of both the parties the hearing was adjourned to 11th April, 1968. On that date it was agreed between the parties that the union might file written statement before me endorsing its copy simultaneously to the said company under registered post by 22nd March, 1968 and on receipt of the same, the said company might file re-joinder to the written statement before me endorsing its copy to the said union under registered post latest by 5th April, 1968. Both the parties further agreed in writing to extend the time limit for making my arbitration award latest by 31st May, 1968.

2. The said union submitted its written statement on 25th March, 1968 to me endorsing its copy to the said company and the latter submitted its re-joinder under letter No. 42/317 dated 6th April, 1968 from the Manager, East Basuria Colliery of the said company.

3. Because of some other important engagements I could not hear the parties on 11th April, 1968. However, I heard the parties on 20th May, 1968. On that date, Shri K. G. Rewal, Manager, East Basuria Colliery and Shri P. N. Chaturvedi, authorised representatives of the company were present on behalf of the said company and Shri B. B. Pandey, Secretary, Congress Mazdoor Sangh, Bihar and Shri Ram Kripal Singh, Assistant Secretary, East Basuria Colliery Branch were present on behalf of the workman.

4. The said company produced only one witness, namely, Shri K. G. Rewal, Manager, East Basuria Colliery (MW.1). He was examined and cross-examined. The said company produced 15 exhibits which with the consent of the representatives of the said union were admitted and marked exhibits M.1 to M.12. On behalf of the workman, only one witness, namely, Shri Ram Kripal Singh (WW.1), Attendance Clerk at East Basuria Colliery and also Assistant Secretary, Congress Mazdoor Sangh, Bihar East Basuria Colliery Branch was produced. He was also examined and cross-examined. No documentary evidences were produced on behalf of the workman. Subsequently I heard the arguments of both the parties on the same date.

5. The case of the said company in brief is that Shri Sachidanand Singh, who was working as Attendance Clerk at East Basuria Colliery was granted leave from 26th March, 1966 to 25th April, 1966 and it was further extended from 26th April, 1966 to 25th May, 1966. He did not report for duty on 26th May, 1966. Subsequently on application dated Nil praying for one month's leave from 26th May, 1966 to 25th June, 1966 was received in the colliery office on 28th May, 1966 mentioning no ground for extension of leave prayed for. The Manager of the colliery refused to grant extension of leave prayed for and informed Shri Sachidanand Singh about the same under Manager's letter No. 18/469 dated 30th May, 1966 received by Shri Sachindanand Singh in District Jail, Dhanbad on 1st June, 1966. The Manager of the colliery sent him another letter on 9th June,



1966 asking Shri Singh to join his duties latest by 16th June, 1966 which he did not do. However, Shri Sachidanand Singh approached the Manager of the colliery for duty on 19th August, 1966. He was subsequently served with a charge sheet No. 16/66/100 dated 24th August, 1966 (Ext. M-6A) calling upon him to show cause notice within 48 hours from the time of receipt of the same as to why disciplinary action should not be taken against him for the misconduct which is briefly stated as under :—

“You were granted leave for 2 months from 26th March, 1966 to 25th May, 1966 and you were required to join your duties on 26th May, 1966 but instead of joining your duties you submitted an application for extension of leave which was refused and on 30th May, 1966 you were intimated under registered letter that your application for leave was not granted and that you must report for duty, but disregarding that letter you absented from duty from 26th May, 1966 to 18th August, 1966. You are guilty under clause 10(f) of the company's Standing Orders”.

Shri Sachidanand Singh submitted his written explanation dated 23th August, 1966 (Ext. M.6B) denying the charge. Subsequently departmental enquiry was held on 9th September, 1966 by Shri P. K. Prasad, Welfare Officer of the colliery and the Enquiry Officer. During the enquiry he was given all opportunities to defend himself, cross-examine the company's witnesses and to examine his own defence witnesses and he fully participated in the enquiry. The Enquiry Officer found Shri Singh guilty of the charge levelled against him in the charge sheet. After obtaining the approval of the Director of the Company, Shri Sachidanand Singh was dismissed from services with immediate effect under Manager's letter No. LO/66/39 dated 19th September, 1966 (Ext. M.10). As he refused to receive the letter when tendered in person, the same was sent to him by registered post on 23rd September, 1966. According to the said company they were not aware of Shri Singh's trade union activities. He was not victimised and that he was dismissed purely for proved misconduct on his part and that the application under Section 33C(2) of the I. D. Act filed by Shri Singh against the company had nothing to do with his dismissal.

6. The case of the workman in brief is that the said company had falsely got Shri Sachidanand Singh implicated in a criminal case under Section 395 IPC through one Shri Rameshwar Mallah, Munshi, East Basuria Colliery because of his trade union activities. Shri Singh was subsequently acquitted by the Sub-Divisional Officer, Dhanbad on 17th September, 1966 as the police submitted final report in his favour. Thereafter, he reported for duties on 18th August, 1966 to the Manager, East Basuria Colliery for having been released from the Jail at 7-30 p.m. on 17th August, 1966. He was not allowed to resume his duties. He was served with a charge sheet bearing No. 16/66/100 dated 24th August, 1966 (Ext. M.6A) to which he submitted written reply on 25th August, 1966 (Ext. M.6B). Thereafter, an enquiry was conducted which was perfunctory in nature and not in accordance with the principles of natural justice. Subsequently on receipt of the notice from the Labour Court, Dhanbad in connection with the application No. LC. 93 of 1966 filed by Shri Sachidanand Singh under Section 33C(2) of the I. D. Act, the said company sent an ante-dated letter bearing No. LO/66/39 dated 19th September, 1966 on 23rd September, 1966 to Shri Singh dismissing him from service with a view to harassing him and victimising him for having made claim under Section 33C(2) of the I. D. Act before the Labour Court as well as for his trade union activities because he was an active member of the said union.

7 I have carefully examined the statement of MW.1, WW.1 and all the exhibits filed on behalf of the said company. I find that Shri Sachidanand Singh, the then Attendance Clerk of East Basuria Colliery was granted leave from 26th March, 1966 to 25th April, 1966 (Ext. M.1A). His extension of leave for the period from 26th April, 1966 to 25th May, 1966 was also granted (Ext. M.1B). He submitted an application for further extension of leave from 26th May, 1966 to 25th June, 1966 (Ext. M.2). It was refused by the Manager, East Basuria Colliery under Ext. M.3 received by Shri Singh on 1st June, 1966. Thereafter, the Manager wrote to him a letter bearing No. 16/532 dated 9th June, 1966 (Ext. M.5) informing him that he did not comply with the instructions communicated under his letter dated 30th May, 1966 (Ext. M.3) and remained absent without the permission and without satisfactory cause for more than 10 days and as such he was guilty under clause 18(n) of the colliery Standing Orders and therefore instructed him to report for duties latest by 16th June, 1966 and to explain the reasons of such unauthorised absence. As Shri Singh did not report for duties till 24th August,



1966 the charge sheet No. 16/66/100 dated 24th August, 1966 (Ext. M.6A) containing the charge of misconduct referred in paragraph 1 above issued to him. As in his written reply dated 25th August, 1966 (vide Ext. M.6B) to the charge sheet he denied the charge, a departmental enquiry was conducted.

8. Now it is to be seen whether departmentally enquiry was properly conducted and the principles of natural justice were followed. It has been admitted by even Shri Ram Kripal Singh, WW.1 that the delinquent, Shri Sachidanand Singh was present at the time of the domestic enquiry. The enquiry proceedings (Ext. M.8) and the enquiry report (Ext. M.9) indicate that the delinquent was given full opportunity to defend himself by examining his defence witnesses and cross-examining the witnesses examined by the said company which he did. These have also been corroborated by Shri K. G. Rewal, Manager of the colliery, MW.1. Shri Ram Kripal Singh has, however, stated that the enquiry officer did not properly record his statement. In his cross-examination he admitted that he had never reported either to the Manager or Agent or Director of the company that the enquiry officer had not recorded what he had stated before him. Moreover, this fact was never stated in the written statement submitted by the union. No documentary evidence has been produced by the workman to indicate that the same was brought to the notice of any other authorities like Assistant Labour Commissioners (C) or Regional Labour Commissioner (C) concerned either by the delinquent or by the union about the alleged failure of the enquiry officer to correctly record the statement of Shri Ram Kripal Singh at any stage. In the circumstances, I do not believe the statement of WW.1 that his statement was not correctly recorded by the enquiry officer. I am, therefore, satisfied that the enquiry was properly conducted and the delinquent was given full opportunity to defend himself which he did. On the basis of the evidence before the enquiry officer he correctly came to the conclusion that the delinquent was guilty of the charges levelled against him.

9. Another point for consideration is as to whether the delinquent was falsely implicated in the criminal case under Section 395 IPC as alleged by the union. The case of the union as contained in its written statement is that the said company had got the delinquent falsely implicated in a criminal case under Section 395 IPC through Shri Rameshwar Mallah son of Shri Bhagwan Mallah who was working in East Basuria Colliery as a Munshi. No evidence either oral or documentary has been adduced on behalf of the workman to substantiate this contention. On the contrary, Shri Ram Kripal Singh, WW.1 stated that Shri Rameshwar Mallah had not mentioned in the F.I.R. submitted by him to the police regarding alleged decoity in his house. According to him when the Investigating Officer (Police) from Kendwadih Police Station had gone to enquire about the case to the house of Shri Mallah at Gararia, Shri Tapeswar Pandey, Branch Secretary, Colliery Mazdoor Sangh and his brother Shri Bhuneshwar Pandey went to Shri Mallah's house and from there they along with the Investigating Officer (Police) came to the office of the East Basuria Colliery and Shri Bhuneshwar Pandey requested the Investigating Officer (Police) to know the whereabouts of the delinquent from the Welfare Officer of the colliery and that being requested by the Investigating Officer (Police) the Welfare Officer, Shri P. K. Prasad sent for the delinquent, which he did and when he (delinquent) came, the Welfare Officer handed over him to the Investigating Officer (Police) who arrested him. At the argument stage the representatives of the union wanted to impress upon me that from the statement of WW.1 it was evident that it was the Welfare Officer of the said company who got the delinquent arrested and involved in the criminal case referred to above. The representatives of the company, on the other hand argued that even if the statement of WW.1 is accepted to be correct, it simply indicated that the Welfare Officer of the colliery had simply sent for Shri Sachidanand Singh when called upon to do so by the Investigating Officer (Police). This never meant that he got Shri Singh implicated in the criminal case. I have very carefully analysed the arguments of both the parties. The representatives of the said company is quite convincing. Simply because the Welfare Officer co-operated with the Police Officer and that too in a decoity case and sent for the delinquent, it cannot be construed to mean that he or the said company implicated the delinquent in that case. Moreover, it is strange that the final report said to be submitted by the police in favour of the delinquent and the order passed by the Sub-Divisional Officer, Dhanbad were not produced on behalf of the workman. Even the uncertified copy of the police report stated to have been enclosed with the written statement was not actually done. In the cross-examination, the WW.1 admitted that the place of occurrence was not in the colliery premises. The WW.1 did not state that Shri Rameshwar Mallah was employed at East Basuria Colliery. In the circumstances, I have come to



the conclusion that the said company had not implicated the delinquent in the criminal case referred to above and was not instrumental to the arrest of Shri Sachidanand Singh.

10. Another important point for consideration is whether the delinquent has been victimised by the said company for his trade union activities as alleged by the said union. No evidence either oral or documentary has been adduced on behalf of the workman to substantiate the above allegation of the union. The only witness, MW.1 produced on behalf of the workman did not even state in his examination-in-chief that Shri Sachidanand Singh was a member of the Congress Mazdoor Sangh, Bihar, what to speak of being an active member of the union. He simply stated that the management backed of the Colliery Mazdoor Sangh and did not like the activities of the Congress Mazdoor Sangh, Bihar. Even in cross-examination he stated that the delinquent had been the member of the Congress Mazdoor Sangh, Bihar for the last 5 to 6 years but he did not state that he was an active member of the union and that the said company was annoyed for his trade union activities. His replies that "I do not know as to how many times he was placed under suspension prior to his dismissal. I do not know as to whether any charge-sheet was given to him prior to the instant charge sheet which resulted in his dismissal", are significant when read with the statement of MW.1 namely "In my knowledge Shri Sachidanand Singh was not guilty for any misconduct prior to his dismissal". Considering these statements I am satisfied that prior to the instant charge sheet the company had done nothing to show or even to indicate that they were annoyed with Shri Singh. On the contrary, the action of the company to grant leave to the delinquent for one month on the ground of his arrest and subsequently extension of leave for a further period of one month clearly go to show the sympathetic attitude of the company towards Shri Singh as well as their bonafides. In this back ground, the argument of the representatives of the union that the severe punishment of dismissal for over staying leave or in other words continued absence of Shri Singh without permission for more than 10 days specially when he was in Jail indicated the vindictive attitude of the company and his dismissal amounted to victimisation does not carry weight, in view of the decisions of the Supreme Court in case of *Burn & Company, Calcutta Vrs. their employees* (1956-S.C.R. 78, 798-1957, I.L.J. 226) and in the case of *India Iron and Steel Co., Ltd., and other Vrs. their workmen* (1958(1)-L.L.J-226). In this connection I consider it worthwhile to mention that if at all the company wanted to harass any person for taking active part in the affairs of the Congress Mazdoor Sangh, Bihar, they should have selected Shri Ram Kripal Singh, and not Shri Sachidanand Singh as according to Shri Ram Kripal Singh, his activities were not liked by the said company and was at the same time, Assistant Secretary of the Branch Union. Thus, there is no iota of truth in the allegation that Shri Sachidanand Singh was victimised for any trade union activities.

11. The contention of the union that the company dismissed the delinquent with a view to harassing him for having filed an application under Section 33C(2) of the I. D. Act against them (company) is also not tenable on the grounds mentioned hereinafter. The last intimation about the said application was received by the company through the Labour Court, Dhanbad in the afternoon of 23rd September, 1966, whereas the charge sheet was issued on 24th August, 1966, the enquiry was held on 9th September, 1966, the enquiry report was submitted on 11th September, 1966. The Manager of the colliery recommended the dismissal of the delinquent on 11th September, 1966 and the Director of the company approved his dismissal on 17th September, 1966 and the order of dismissal was signed by the Manager and was caused to be delivered to the delinquent through Shri Bhagwan Dayal Pandey through Peon Book on 19th September, 1966. There is no evidence on behalf of the workman to show that the letter of dismissal admittedly sent by registered post on 23rd September, 1966 was antedated. On the other hand the company has produced documentary evidence namely relevant Peon Book (Ext. M-11) which indicates that the dismissal letter No 10/66/39 dated 19th September, 1966 was taken to the delinquent for delivery by Shri Bhagwan Dayal Pandey on 19th September, 1966 but he refused to receive the same. Thus, there is no force in his argument of the union that the company had harassed him because he had filed an application under Section 33C(2) of the I. D. Act.

12. Although no objection has been raised on behalf of the workman, I find that in the charge sheet, the said company referred to only clause 10(f) of the Standing Orders but failed to refer to the clauses 10(h) and 18(1)(n) of the



Certified Standing Orders which are very relevant. Clause 10(f) of the Standing Orders reads as under :—

"If a workman remains absent beyond the period of leave originally granted, subsequently extended, he shall lose lien on his appointment unless he—

(a) returns within ten days of expiry of his leave, and

(b) explains to the satisfaction of the Manager his inability to return on the expiry of his leave.

In case the worker loses his lien on the appointment, he shall be entitled to be kept on the "Badli list".

The clause 10(h) of the Standing Orders authorises the employer to take disciplinary action against any workman who over-stays his sanctioned leave or remains absent without reasonable cause and the Clause 18(i)(n) of the Standing Orders empowers the employer to dismiss his workman for "continuous absence without permission and without satisfactory cause for more than 10 days. However, as the facts mentioned in the charge sheet are clear and unambiguous, mere failure of the said company to mention the additional relevant provisions of the Certified Standing Orders does not, in my opinion, vitiate the disciplinary proceedings, specially when facts of the charge mentioned in the charge sheet have been proved upto the hilt.

13. I, therefore, hold that the management of East Basuria Colliery of M/s. East Basuria Coal Co. (P) Ltd. was justified in dismissing with effect from 19th September, 1966 Shri Sachidanand Singh, Attendance Clerk and consequently he is not entitled to any relief. The Award is made accordingly and submitted to the Central Government under Section 10A of the I. D. Act.

Sd./- K. SHARAN,

Regional Labour Commissioner (C) Asansol & Arbitrator.

[No. 2/15/67-LR. II.]

S.O. 2268.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the Mondal's Bilbera Colliery, Post Office Katrasgarh (Dhanbad) and their workmen, which was received by the Central Government on the 11th June, 1968.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 75 OF 1967

#### PARTIES:

Employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh (Dhanbad).

AND

Their Workmen

#### PRESENT:

Shri Nandagiri Venkata Rao.—*Presiding Officer.*

#### APPEARANCES:

*For the Employers.*—Shri P. B. Mondal, Private Secretary to the Constituted Agent.

*For the Workmen.*—Shri Lalit Burman, General Secretary, Bihar Koyla Mazdoor Sabha.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 5th June 1968

#### AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh (Dhanbad) and their workmen by its order No. 2/80/65-LR.II dated 18th



October, 1965, referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

#### SCHEDULE

- "(1) Whether the action of the management of Mondal's Bilbera Colliery, P.O. Katrasgarh, in terminating the services of S/Shri Radha Bourl, Pump Khalasi and Churaman Mahato, Surface trammer, with effect from the 29th June, 1965 was legal and justified? If not, to what relief are the workmen entitled and from what date?
- (2) Whether the management of Mondal's Bilbera Colliery, P.O. Katrasgarh, denied employment unjustifiably to S/Shri Beni Roy, Kali Mahato, Banshi Deswali, Surface Trammers and Lochan Rewani under-ground Trammer with effect from the 23rd November, 1964? If so, to what relief are the workmen entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 169 of 1965 on its file. Workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal by the Central Government, by its order No 8/25/67-LRII dated 8th May, 1967, under Section 33B of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 75 of 1967. Employers filed their statement of demands.

3. On 25th May, 1968, parties filed a compromise memo and it is duly verified. The terms of the compromise appear to me as beneficial to the affected workmen and the workmen. The compromise is, therefore, accepted and the Award is made in terms of the compromise. The compromise memo is annexed herewith and is made part of the Award. The Award is submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,  
Presiding Officer.

#### APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

#### REFERENCE NO. 75 OF 1967

Employers in relation to the Mondal's Bilbera Colliery P.O. Katrasgarh (Dhanbad)

And

Their Workmen

#### LIST OF DOCUMENTS ADMITTED IN EVIDENCE FOR EMPLOYERS

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Ex.M1	Letter No. B/CH/105/65 dated 29-6-65	19-2-68	By consent		
Ex.M2	Its postal receipt	Do.	Do.		
Ex.M3	Letter No. BCH/104/65 dated 29-6-65	Do.	Do.		
Ex.M4	Its acknowledgement	Do.	Do.		



1	2	3	4	5	6
Ex.M5	Postal receipt	19-2-68	By consent		
Ex.M6	Letter No. B/EMP/52/65 dated 9-6-65	Do.	Do.		
Ex.M7	Letter No. B/EMP/93/65 dated 9-6-65	Do.	Do.		
Ex.M8	Letter No. B/EMP/91/65 dated 9-6-65	Do.	Do.		

*LIST OF DOCUMENT ADMITTED IN EVIDENCE FOR THE WORKMEN*

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Nil	Nil	Nil	Nil	Nil	Nil

Sd/- N. VENKATA RAO,  
Presiding Officer,  
Central Government Industrial Tribunal  
No. 2, Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT  
DHANBAD.

REFERENCE NO. 75 OF 1967

Employers in relation to the Mondas Bilbera Colliery P.O. Katrasgarh (Dhanbad)

And

Their Workmen

*LIST OF WITNESS EXAMINED FOR THE EMPLOYERS*

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

*LIST OF WITNESS EXAMINED FOR THE WORKMEN*

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

Sd/- N. VENKATA RAO,  
Presiding Officer,  
Central Government Industrial Tribunal,,  
No. 2, Dhanbad.



BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL (NO. 2) DHANBAD

REFERENCE No. 75 OF 1967

## PARTIES:

Employers in relation to Mondal's Bilbera Colliery.

AND

Their Workmen represented by the Bihar Koyla Mazdoor Sabha.

*Joint Petition of Compromise*

The parties above-named beg to submit that the above reference has been amicably settled between them on the following terms:—

1. That in view of the fact that the colliery has not been working regularly and continuously, the concerned workmen do not press for their reinstatement in the colliery.

2. That the management agree to treat the workmen as if retrenched with effect from their respective dates of termination of services and pay them the amounts as shown against each in full and final settlement of all their claims:—

(a) Radha Bauri—Pump Khalasi	..	Rs. 1,000-00
(b) Churaman Mahato—S/Trammer	..	Rs. 1,000-00
(c) Beni Roy—Surface Trammer	..	Rs. 800-00
(d) Lochan Rewany—S/Trammer	..	Rs. 800-00
(e) Banshi Deswali—S/Trammer	..	Rs. 800-00

3. That the management further agree to pay a sum of Rs. 500-00 to the dependents of Kali Mahato (deceased) who died during the pendency of the proceedings on compassionate grounds.

4. That the above payment shall be made within two weeks from the date of this settlement, and on receipt of the said payments the workmen shall have no other claim on the management.

5. That the above terms settle all the disputes pending for adjudication before the Hon'ble Tribunal.

It is, therefore, humbly prayed that this compromise settlement may kindly be recorded and an Award may kindly passed in terms thereof.

And for this petitioners shall pray.

*For the Employers*

Sd./- P. B. MONDAL,

Private Secretary to the Constituted  
Agent, Mondal's Bilbera Colliery.

*For the Workmen:*

Sd./- LALIT BURMAN,

General Secretary, Bihar Koyla  
Mazdoor Sabha.

Dated the 25th day of May, 1968.

[No. 2/80/65-LRII.]

S.O. 2269.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to Messrs Shaw Wallace and Company Limited, Parasia, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 12th June, 1968.



CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR

Date June 3, 1968

## PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

CASE REF. No. CGIT/LC(R) (4) OF 1968.

## PARTIES:

Employers in relation to management M/s. Shaw Wallace and Company Ltd., Parasia, District Chhindwara (M.P.)

Vs.

Their workmen represented through M.P. Rashtriya Koyla Khadan Mazdoor Sangh, P.O. Parasia, District. Chhindwara (M.P.).

## APPEARANCES:

For employers.—S/Sri V. M. Thakurane and Sardar Ujagar Singh, Chief Personnel Officer and Labour Officer of the concern respectively.

For workmen.—S/Sri K. B. Chougale and V. N. Dutta for the Union.

INDUSTRY: Coal Mine.

DISTRICT: Chhindwara (M.P.).

## AWARD

By Notification No. 5/73/67-LRII dated 3rd January, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following matter of dispute to this Tribunal, for adjudication:—

*Matter of Dispute*

Whether the change effected by the management in the incentive wage scheme applicable to Dressers-cum-Drillers since July, 1967, is justified? If not, to what relief are they entitled?

2. The facts of the case are short and simple. M/s. Shaw Wallace and Company are the Managing Agents of eight collieries. Four of these, namely East Donger Chikli Colliery, Chandametta Colliery, Barkui Colliery and North Chandametta Colliery are owned by M/s. Pench Valley Coal Co., Ltd. The other four collieries, namely Rawanwara Colliery, Eklehra Colliery, Bhamori Colliery and Datla West are owned by Amalgamated Coal fields Ltd. From 1961 for the category of Dressers wages were fixed on timely basis and norm was fixed for 10 tubs per dresser per shift. Beyond 10 tubs a dresser was to receive an incentive wage at the rate of 0.19 P. per tub. The management in July, 1967, unilaterally changed the norm so as to raise norm to 15 tubs per dresser per shift, without any notice under Section 9A I.D. Act. The Union, M.P. Rashtriya Koyla Khadan Mazdoor Sangh, raised the dispute which has resulted in this reference.

3. A number of pleas most of which are frivolous were raised by the management. It was alleged that M/s Shaw Wallace and Company Ltd. were not the employers and that there was no category of Dressers-cum-Drillers. On both these grounds, it was alleged that the reference is bad and cannot be adjudicated upon. It was further alleged that the reference is invalid because the remedy lay for computation under Sec. 33-C(2) I.D. Act. Another frivolous plea raised was that incentive payment is not a part of wages and no notice under Sec. 9A I.D. Act was necessary. For the change, it was alleged that the working conditions for productivity have now greatly improved by mechanisation, supervision, training and skill of personnel and tools available. As such the employers had a right to change the norm. As a result of the pleas raised by the management, the following additional issues were framed on preliminary hearing:—

*Additional Issues*

1. Is the reference bad for description of M/s Shaw Wallace & Company Ltd., as employers?
2. Is there no category of Dressers-cum-Drillers? If so, is the reference bad and cannot be adjudicated?
3. Whether the reference is invalid as the remedy was available under Sec. 33-C(2)?



4. Whether incentive payment was not part of wages and did not attract Section 9A of the I.D. Act.
5. As in order of reference.

#### *Findings*

*Issue No. 1.*—This is obviously a flimsy ground. Admittedly M/s. Shaw Wallace and Company Ltd. are the Managing Agents. The dispute under reference is expressed against the management and not against the employers. It is, therefore, of no avail.

*Issue No. 2.*—It was admitted by the Union's witness Sri V.N. Dutta that the dispute relates to the category of Dressers and since they are also required to do the work of drilling they are called colloquially as Dressers-cum-Drillers. After the evidence of the Union, the management examined two witnesses, Sri Arun Chakravorty, Manager Planning and Survey as E.W. 1 and Sri Edgar Joseph Roach, Assistant Store Keeper, Central Main Stores at Parasia as E.W. 2. None of these controverted the statement of Sri V. N. Dutta on the point. The mere description of the category as Dressers-cum-Drillers will not make the reference bad and shall be deemed to relate to the category of Dressers. The plea is clearly untenable.

*Issue No. 3.*—This is again a frivolous plea. There can be no question of computation or recovery of money without an existing right. The right to receive wages in the old norm has been changed unilaterally by the management and without an industrial adjudication in their favour. The workers could not possibly file a claim under Section 33-C(2).

*Issue No. 4.*—The plea that the incentive payment beyond norm was not a contract of employment and is not covered by the expression "wages" is again a wholly frivolous plea. Wages have been defined in Section 2(r) meaning "all remuneration capable of being expressed in terms of money and payable to a workman in respect of employment or of work done in such employment." Obviously, the payment beyond norm of ten tubs per Dresser per shift was part of wages. Under Item No. 1, Schedule Fourth, conditions of service for which change of notice is necessary under Section 9A, wages including period and mode of period are specified. Evidently, the management could not change this without notice under Section 9A which admittedly has not been given.

*Issue No. 5.*—As to the issue under reference, the management attempted to introduce a new fact which had not been pleaded that the norm of ten tubs was fixed for development areas and for dipillaring areas the norm was 15 tubs per dresser per shift. Then attempted to introduce this new aspect by filing two documents Ex. E/5 and E/6. These documents show that as a result of negotiations between the management and the Union a Committee was formed consisting of one Technical Expert, the Regional Inspector of Mines and two representatives each from the management and the Union to go into the question of fixing uniform work-load on piece rate system on tub basis. The Regional Inspector of Mines by a letter dated 18th June, 1968, (Ex. E/5) suggested ten tubs for development and sixteen tubs for such who were employed at extraction of stook. Ex. E/6, however, mention that the report of the Committee would be conveyed to Regional Labour Commissioner and if found workable through agreement the system would be tried out in two or three collieries. It, however, appears that by agreement the norm was fixed uniformly for all types of dresser. Shri Arun Chakravorty (E.W.1) had to admit that in a mine where he was last working the norm was 10 tubs per Dresser both for development and dipillaring area. He could not state on oath for other collieries. This was vain attempt on the part of the management when the assertion of the Union as stated in paragraph 3 of the written statement that this category of dressers were paid at the rate of 10 tubs per dresser per shift and above this norm was the incentive wage of 0.19 P. per tub, was not specifically denied by the employers in their rejoinder. It was only denied that there was any category designated as Dressers-cum-Drillers, and it was stated that there are Time Rated Dressers in Category III who are paid some amount as incentive after raising certain number of tubes per man shift. The assertion in paragraphs 4 and 5 of the written statement that this category of workmen had been getting the incentive wage since 1961 and has been discontinued since July, 1967, unilaterally and raised to 15 tubs per dresser per shift was also not specifically controverted in the rejoinder filed by the management. All that was stated was that the Incentive Schemes are maintained in the interest of efficiency and are subject to change and revision from time to time. It has



therefore to be assumed that for all areas the norm fixed was 10 tubs per driller for every shift and over and above that a dresser was to receive extra payment at 0.19 P. per tub. This has now been changed unilaterally and without any notice under Section 9A I.D. Act to 10 tubs per dresser per shift.

The next question is whether the management were justified in doing so. Evidently, they are not at all justified in doing so when the norm had been fixed by an agreement with the Union and without a fresh agreement and even without notice under Section 9A I.D. Act. The plea that working conditions have improved is of no avail. The management examined two witnesses in that connection. Sri Arun Chakravarty stated that ventilation, lighting, mechanisation lay-out of the mine and training of workers etc., all contributed to the improvement of the working conditions from about four or five years. Sri Edgar Joseph Roach filed statement Ex. E/2 to E/4 so as to show that from 1961 to 1964 new coal cutting machines and drills have been received. It may be that working conditions have been improved and there has been induction of more coal cutting machines and drills. They are, however, irrelevant factors. Sri Arun Chakravarty admitted that the job of a Dresser is to dress loose faces and breaking big chunks after drilling and blasting operation and the work is manual. Consequently, so far as a Dresser is concerned his job remains manual throughout. Apart from this, even if working conditions have improved that does not justify the management to alter the norm unilaterally. Having arrived at a norm by settlement with the Union they could do it only by another settlement or as a result of an award after raising an industrial dispute. The action of the management, therefore, is clearly unjustified.

#### Decision:

The result is that the action of the management of M/s. Shaw Wallace and Company to affect a change in the incentive wage system from July, 1967, is clearly unjustified. Dressers would be entitled to their wages under the old norm of 10 tubs per dresser per shift. The Union will further be entitled to Rs. 100 as costs of proceedings.

(Sd.) G. C. RGARWALA,

Presiding Officer.

3-6-1968.

[No. 5/73/67-LRIL.]

New Delhi, the 18th June 1968

S.O. 2270.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the West Bokaro Colliery of Messrs West Bokaro Limited, Post Office Ghatotand, District Hazaribagh and their workmen, which was received by the Central Government on the 11th June, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2,  
DHANBAD.

#### PRESENT:

Shri Nanadagiri Venkata Rao.—*Presiding Officer.*

REFERENCE No. 265 OF 1967.

In the matter of an industrial disputes under Section 10(1) (d) of the Industrial Disputes Act, 1947.

#### PARTIES:

Employers in relation to the West Bokaro colliery of Messrs West Bokaro Limited, Post Office Ghatotand, Dist., Hazaribagh (Bihar).

AND

Their Workmen.

#### APPEARANCES:

For the Employers.—Shri S. S. Mukherjee, Advocate.

For the Workmen.—Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh.



STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 5th June, 1968.

## AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the West Bokaro Colliery of Messrs West Bokaro Limited, Post Office Ghatotand, District Hazaribagh (Bihar) and their workmen, by its order No. 1/25/67-LRII dated 19th September, 1967, referred to this Tribunal, under Section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted blow:

## SCHEDULE

1. "Whether the demand of the workmen of the West Bokaro Colliery of Messrs West Bokaro Limited, Post Office Ghatotand, District Hazaribagh (Bihar) for profit sharing bonus for the year 1964-65 and 1965-66 at a rate higher than the one, namely, 4 per cent at which the bonus has already been paid, on the basis of the scrutiny of accounts of the management for these years, is justified?

2. If so, what should be the higher rate and to what relief are the workmen entitled?"

2. This Tribunal registered the reference as reference No. 965 of 1967 on its file.

3. On 31st May, 1968 parties filed a compromise memo and it is duly verified by Shri S. S. Mukherjee, Advocate representing the employers and Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh, representing the workmen. The terms of compromise appear to me beneficial to the workmen. The compromise is, therefore, accepted and Award is made in terms of the compromise. The compromise memo is annexed herewith and is made part of the Award. The Award is submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,  
Presiding Officer.

## APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT  
DHANBAD

REFERENCE No. 265 OF 1967

West Bokaro Colliery over the demand for Profiting Sharing Bonus for the years  
1964-65 and 1965-66

*List of Documents Admitted In Evidence For Employees*

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Nil	Nil	Nil	Nil	Nil	Nil



*List Of Documents Admitted in Evidence for Workmen*

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
1	2	3	4	5	6
Nil	Nil	Nil	Nil	Nil	Nil

Sd/- (N VENKATA RAO)  
 Presiding Officer,  
 Central Government Industrial Tribunal,  
 No 2, Dhanbad

## APPENDIX II

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO 2), AT DHANBAD

REFERENCE No. 265 OF 1967

West Bokaro Colliery over the demand for Profiting Sharing Bonus for the years  
 1964-65 and 1965-66

*List of Witness Examined For The Employers*

No of witness	Name of witness	Date of examination
Nil	Nil	Nil

*List of Witness Examined For The Workmen*

No of witness	Name of witness	Date of examination
Nil	Nil	Nil

Sd/- (N. VENKATA RAO)  
 Presiding Officer,  
 Central Government Industrial Tribunal,  
 No 2, Dhanbad

## BEFORE CENTRAL GOVERNMENT'S INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

REFERENCE No 265 OF 1967

In the Matter of West Bokaro Limited,

AND

In the Matter of its workmen

*Name of Parties:—**Representing employer*—Mr R. H. Mody, Director, West Bokaro Limited*Representing workmen*—Mr. Bindeshwari Dubey, General Secretary, Colliery Mazdoor Sangh



*Short recital of the case.*

The West Bokaro Colliery employees raised a dispute claiming that they should also receive Bonus for 1964-65 and 1965-66 on par with the Jamadoba employees of The Tata Iron and Steel Co., Ltd., Collieries or the West Bokaro Limited should recompute its profits having regard to the market price of clean coal and pay bonus accordingly.

It was contended by the employer the West Bokaro Limited that it was an independent company run by its own Board of Directors and that the question of paying the employees of West Bokaro Limited on the basis of Tata Iron and Steel Company Ltd.'s profits does not arise at all for the Payment of Bonus Act, 1965 clearly stipulates the manner in which the bonus was required to be calculated and paid to an employee by "his" own employer.

No agreement having been reached, the matter was referred to the Assistant Labour Commissioner (C) Hazaribagh who asked the Company's representative whether the Company was agreeable to refer the dispute to Arbitration. Inasmuch as the dispute could not be settled, the matter was referred to Government who had now sent the case for adjudication. The above case has not yet come up for hearing.

*Terms of Settlement*

In the interest of maintaining industrial peace the parties have arrived at a settlement as follows:—

- (1) The Company agrees to its employees a bonus of 6 per cent for each of the years 1964-65 and 1965-66 and adjust the minimum 4 per cent bonus already paid for these two years under the provisions of the Payment of Bonus Act;
- (2) The above adjudication which is pending before the Tribunal may be disposed of in accordance with the above terms of settlement.

Signature of the Parties:

For the employer West Bokaro Ltd.,  
Sd./R. H. MODY, Director.

For the Workmen:

Sd./- BINDESHWARI DUBEY,

General Secretary, Colliery Mazdoor  
Sangh, Reg., No. 4911, I.N.T.U.C.  
Affiliation No. 1159, Dhanbad.

*Witnesses:*

1. Sd./- K. RUSTUMJI, 4-5-1968.
2. Sd./- SHANKAR BOSE, 4-5-68.

*Copy to:*

- (1) Conciliation Officer (Central), Dhanbad.
- (2) Regional Labour Commissioner (Central), Dhanbad.
- (3) Chief Labour Commissioner (Central), New Delhi.
- (4) Secretary to the Government of India, Ministry of Labour, New Delhi.

[No. 1/25/67-LRIL]

New Delhi, the 21st June 1968

**S.O. 2271.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 14th June, 1968.



**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT  
DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 63 of 1963

**PARTIES:**

Employers in relation to the Digwadih Colliery of M/s. Tata Iron & Steel Co. Ltd., Jamadoba, P.O. Jealgora, (Dhanbad).

**AND**

Their Workmen.

**PRESENT:**

Shri Kamla Sahai, Presiding Officer.

**APPEARANCES:**

*For the Employers*—Shri S. S. Mukherjee, Advocate.

*For the Workmen*—Shri D. Narsingh, Advocate.

**STATE:** Bihar.

**INDUSTRY:** Coal.

**AWARD**

By order No. 2/38/63-LRII dated the 16th August, 1963, the Central Government made this reference to this Tribunal for adjudication of a dispute described in the schedule as follows:—

**SCHEDULE**

“Whether the dismissal of the following workmen by the management of the Digwadih Colliery of Messrs Tata Iron and Steel Company, Limited was justified? If not, to what relief are the workmen entitled?”

Sl. No.	Name of the workmen	Designation
1.	Shri Shyamdeo Goala	Watchman.
2.	Shri Banwari	Miner.
3.	Shri Bhusan Singh	Oil Mazdoor.
4.	Shri Hem Bahadur	Watchman.

2. This reference and seven other references namely Reference No. 97 of 1963 and Reference Nos. 5, 9, 10, 11, 12 and 19 of 1964 were taken up for hearing by Shri Raj Kishore Prasad, the then Presiding Officer of this Tribunal. He disposed of this reference by an award dated the 24th August, 1965 and the other references by other awards. Shri S. S. Mukherjee, Advocate, who appeared on behalf of the employers raised a preliminary objection before him in all the cases. The objection was that the reference in each of the eight cases was invalid because each was a case of individual dispute and not a case of industrial dispute for the reason that no union took up the cases of these individual workmen before their dismissal. This objection prevailed and Shri Raj Kishore Prasad rejected all the eight references on the ground that they related to cases of individual and not industrial disputes. The workmen filed writ applications before the Patna High Court in respect of the entire batch of eight cases. Their Lordships the Chief Justice and Mr. Justice K. B. N. Singh first took up C.W.J.C. No 192 of 1966 which arose out of Reference No 97 of 1963 and gave a reasoned judgement. This has been reported as Workmen of Jamadoba Colliery of Tata Iron & Steel Co. Ltd., *versus* Jamadoba Colliery of Messrs Tata Iron & Steel Co. Ltd., Jamadoba and another [reported in 1967 (IV) L.L.J. 663]. Their Lordships have held in that decision that an individual dispute turns into an industrial dispute if the union comes into existence and the concerned workman becomes a member of the union after his dismissal but before the reference is made under section 10 of the Industrial Disputes Act. In other words, they have laid down that the crucial date is the date of the reference. If a union or a substantial number of workmen sponsor the case of the workmen before the date of reference, the dispute is an industrial dispute. Their Lordships therefore, set aside the award of this Tribunal



and remanded the case (reference No. 97 of 1963) to this Tribunal with a direction to re-hear the case "on merits and dispose of it according to law".

3. C.W.J.C. 272 of 1966 arose out of the present reference i.e. reference No. 63 of 1963. Their Lordships took up this case and, after referring to their decision in C.W.J.C. 192 of 1966, they have said:

"following that judgment, therefore, we set aside the award and direct the Industrial Tribunal to re-hear the reference on merits and dispose of it according to law. No costs".

4. The employers, having failed to obtain leave to appeal from the Patna High Court, filed applications before the Supreme Court for special leave in all the cases. I have not received or seen any order passed by that Court but I understand from the parties that, after some arguments, the applicants withdrew their special leave applications. The Judgment of the Patna High Court has, therefore, become final and cannot now be questioned.

5. Shri S. S. Mukherjee, however, attempted to raise before me the preliminary objection once again in each of the cases, saying that the union did not come into existence before the date of the reference in each case nor did it sponsor before the date of the reference, the cause of the workmen concerned, and therefore, none of these cases is a case of industrial dispute. I did not permit him to raise this objection because the Patna High Court has not only laid down the principle in C.W.J.C. 192 of 1966 but applying the principle in each case, the Court has finally held in each case that it is a case of industrial dispute and has directed me to re-hear each case on merits. This means that it is no longer open to me to re-hear the preliminary objection.

6. I have given the above details in this case but in my award in each of the other cases, I propose to make a very short reference to the above facts.

7. The present reference has been made, as the schedule shows, in connection with four persons. I may make it clear that four different chargesheets were issued in respect of four different cases of alleged misconduct against the four alleged delinquents. There were four domestic enquiries and four enquiry reports. They were also dismissed under four letters of dismissal of different date. Though the reference is one, the case of each alleged delinquents will have to be taken up and considered separately.

#### *Shyamdeo Gowala—Watchman.*

8. I first take up the case of Shyamdeo Gowala—Watchman. The case against him is that he was on duty as a watchman on the night of the 12/13th April, 1962 from 10 P.M. to 6 A.M. at the quarters of the Weigh Bridge Clerk, Shri S. N. Singh, but two Havildars named Shri Reaz Ahmed and Shri Musal Pandey found him fast asleep on a bench at about 2-45 A.M. that night. His shoes and lathi were lying below the bench and Havildar Reaz Ahmed took one of the shoes and the lathi from there. He pulled the chadar of Shyamdeo Gowala. On being asked by Reaz why he was sleeping, Shyamdeo replied that it was a place to sleep and every-body usually slept there.

9. The Havildars made a report to the Watch and Ward Department next morning and chargesheet No. 33/62 (Ext. M) dated the 20th/25th April, 1962 was issued to him. Ext. M1 dated the 26th April is the reply in which Shyamdeo has described the allegations made against him to be totally false and has added that the Babus of the place could be asked and they would make the position clear.

10. Shri S. N. Pandey, Welfare Officer, was appointed to be the Enquiring Officer. He recorded all statements on the 1st May, 1962. He first examined Shyamdeo Gowala on that date, the statement being Ext. M5. His story is that the Weigh Bridge Clerk whose quarters he was deputed to guard was in 'B' shift and he came back from duty at about midnight. After taking his meal etc. the clerk discovered that he had, by mistake, brought some keys of the Weigh Bridge office with him and calling Shyamdeo to him, he requested him to take the keys to the Weigh Bridge office and to hand over the keys to the Weigh Bridge Clerk working in the 'C' shift. As it was very hot, Shyamdeo had taken out the shoes. He went to the Weigh Bridge without putting them on and without taking his lathi. On his return, he found the lathi and one shoe to be missing. He then enquired from the Babu who told him that he did not know what had happened to the shoe and the lathi.



11. Ext. M2 is the statement of Reaz Ahmed and Musai Pandey, jointly recorded by the Enquiring Officer. After their statement was recorded, the Enquiring Officer asked Shyamdeo to cross examine each of them and each of the two Havildars to cross-examine Shyamdeo. The Havildars cross-examined Shyamdeo very closely but were not able to elicit anything important. Some questions were also put to trap him into admitting that he was caught sleeping but he did not fall into the trap or make any such admission.

12. Ext. M. 3 is the statement of Shri S. N. Singh, Weigh Bridge Clerk, whose quarters Shyamdeo Gowala was deputed to guard on the night of occurrence. As recorded by the Enquiring Officer, the story given by this witness is as follows:—

On 12th April 1962, he was on duty from 4 P.M. to 12 midnight. He came back home at about 1 P.M. after handling over charge. When he was about to go to bed at about 2 or 2-15 A.M., he took out a birl from his pocket and discovered that he had brought the keys of the Invoice room of the Weigh Bridge office. He, therefore, came out and requested the watchman on duty, Shyamdeo to reach with the keys to the Weigh Bridge office and to hand them to the Babu on duty very quickly. Shyamdeo agreed and started putting on his shoes which he had taken out. He (S. N. Singh) told him not to delay by putting on the shoes as the work in the Weigh Bridge office might be suffering. Shyamdeo, therefore left his shoes and lathi and went away. He returned at about 2-30 A.M. and then enquired what had happened to his shoe and lathi. S. N. Singh told him that he did not know and some dog or somebody might have removed them. Thereafter he went to sleep. It appears that Reaz Ahmed was allowed to cross examine this witness rather exhaustively but nothing of importance could be elicited.

13. Ext. M4 is the statement of another Weigh Bridge Clerk named Shri P. B. Lal. His story as recorded by the Enquiring Officer is as under:

He was on duty from 12 midnight to 8 A.M. on the night of the 12/13th April 1962. When he joined duty, he took over charge from S. N. Singh. S. N. Singh later sent him the keys of the Invoice Room of the Weigh Bridge office through a watchman named Shyamdeo. He was taking the number of wagons at the time when Shyamdeo arrived. He came back at about 2-40 A.M. and then took the keys from Shyamdeo who was present there from before. The Watchman then went away.

The two Havildars were asked to cross examine P. B. Lal but they said that they had no question to put to him. They only pointed out to the Enquiring Officer that S. N. Singh stated the time to be 2-30 A.M. whereas P. B. Lal gave the time to be 2-40 A.M. On questioning, P. B. Lal the Enquiring Officer ascertained that P. B. Lal had given the correct time whereas the time given by S. U. Singh was only approximate.

14. I have given above the substance of the entire evidence recorded by the Enquiring Officer, Shri S. N. Pandey drew up his report (Ext. M6) on the 7th May, 1962. After giving the facts of the case, the Enquiring Officer has said in his report:

"As regards the missing of the shoe and lathi Shri Singh has stated that immediately after his return the accused had enquired from him about his lathi and shoes. The statement of Shri S. N. Singh was taken in presence of two Havildars and Shri Reaz has cross-examined him very extensively. He has raised many questions such as the authority of the clerk to send the watchman on duty for some other work. Shri Singh has also replied that in cases of emergency and in interest of work he had every right to take work from the watchman especially during dead of night because the basic idea behind deputing watchman in night was to assist him in unforeseen exigencies. At no stage of cross-examination of Shri Singh, Shri Reaz Ahmed has mentioned that the accused was actually sleeping and Shri Singh was giving a false statement. Again while cross-examining the accused also he has laid much stress on the fact as to why should he act upon somebody's instructions when he was not working under him, rather than on the fact of sleeping."

15. After the above reasoning, one would have thought that the Enquiring Officer was going to hold that the Weigh Bridge Clerks were telling the truth and that the Havildars were not; but instead of doing that, he has said as follows:—

"Under the circumstances, therefore, and in view of the evidence on record, it is very difficult to take the contentions of the two Havildars as granted. There is ample scope for doubt and it would but be natural that the benefit of doubt is given to the accused."



16. Thus it is clear that the Enquiring Officer gave at least the benefit of doubt to Shyamdeo which means that the case against him could not be proved. Curiously enough, however, one Shri R. N. Sharma who does not appear to have taken any part in the enquiry nor to have considered the evidence at all gave a note (Ext. M8), recommending dismissal. Possibly on this basis, the Chief Mining Engineer wrote a letter (Ext. M7) to Shyamdeo Gowala on the 29th June, 1962 saying that he was found sleeping on duty during the night inspection of the Havildars on 12/13th April, 1962 at about 2-35 A.M. and that he was therefore being dismissed from the company's service with effect from the 7th July, 1962. The evidence of the Weigh Bridge Clerks or the finding of the Enquiring Officer does not appear to have been taken into consideration or discussed at any stage by any officer of the management.

17. The Enquiring Officer seems to have committed some irregularities during the enquiry but neither party has complained against those irregularities. The employers have said in paragraphs 7 and 8 of their written statement in connection with Shyamdeo Gowala that he was given full chance and opportunity to cross examine the witness and to defend himself at the departmental enquiry held against him on the 1st May, 1962 and that the misconduct alleged against him had been established against him with the result that he was dismissed by a letter dated the 29/30th June 1962 with effect from the 7th July, 1962. They do not allege that there was any irregularity at the enquiry which caused prejudice to the management or that the Enquiring Officer's conclusion was wrong. They do not even say that any one else examined the record of evidence and came to the conclusion, against the view of the Enquiring Officer, that the misconduct alleged against Shyamdeo Gowala had been established. The workman has, on the other hand, stated in paragraph 5(iii) of the written statement in so far as Shyamdeo Gowala is concerned that the Enquiring Officer was not convinced about Shyamdeo's guilt or misconduct and that, in spite of his finding, Shyamdeo was dismissed. No importance can, therefore, be attached to the irregularities. I may say that if the irregularities could cause prejudice to anybody they could cause prejudice to the alleged delinquent—Shyamdeo. Since the Enquiring Officer came to a conclusion in his favour, it can be well understood that he has nothing to complain of.

18. When Shri Rai Kishore Prasad took up this reference for hearing, the management examined three witnesses before him including Mosai Pandey, MW1 and Reaz Ahmed, MW2. Mosai Pandey has stated that he signed the statement of Reaz Ahmed which was recorded by Shri S. N. Pandey. This shows that though the statement purports to be the joint statement of both, this witness did not make any statement before the Enquiring Officer. Reaz Ahmed has said that he and Mosai Pandey put questions to Shyamdeo Gowala and S. N. Singh. He thus admits to have cross examined both witnesses.

19. No case has been made out to reopen the enquiry or to differ from the conclusion arrived at by Shri S. N. Pandey. The evidence of the two Havildars before the Tribunal cannot, therefore, be considered. Even if their evidence is considered, however, it is impossible to disbelieve independent witnesses like the Weigh Bridge Clerks as recorded by the Enquiring Officer. I am convinced that they have told the truth. In view of the Enquiring Officer's conclusion as well as my conclusion, it is clear that the dismissal of Shri Shyamdeo Gowala was not at all justified. I hold accordingly. He is entitled to be reinstated with full back wages from the date of his dismissal upto the date of his reinstatement along with continuity of service.

#### *Banwari—Miner*

20. He was a miner in Digwadih Colliery. He is alleged to have threatened to assault one mining sirdar named Puran Gope in 'A' shift on the 27th November, 1961. Puran Gope's report is Ext. M12, dated the 28th November, 1961 in which he has alleged that the miner named Banwari asked him to cut 3 or 4 holes in the roof, that he replied that this will not be in accordance with rules because the working faces will become wider and that thereupon Banwari told him that he would kill him and threw him away in the mine. Charge sheet No. 1152 dated the 1st December, 1961 (Ext. M10) was issued to him, alleging that he had threatened Puran Gope and charging him with misconduct under sub-clause 5 of clause 19 of the company's standing orders for indecent behaviour. He gave a reply (Ext. M11) dated the 6th December, 1961 in which he described the allegation made against him as entirely false and strongly protested against the action of the Manager in issuing chargesheets in connivance with the Mining Sirdars on



deliberately invented charges. He has added that the mining sirdar lost his temper and used filthy language.

21. Shri N. P. Sinha made preliminary enquiry on 27th November 1961 and recorded the statements (Ext. M13 to Ext. M16). By Ext. M17, he gave notice to Banwari to be present at the departmental enquiry on the 11th December, 1961. On the 11th December, he first recorded the statement of Banwari (Ext. M21). Banwari then said that he told the mining sirdar, Puran Gope, to cut more holes as otherwise he and other miners did not get sufficient coal; that the mining sirdar told him in filthy language that it did not matter to him whether he got 'Jagar' or not, that the sirdar measured the place with a stick and pointed out the places where holes should be cut, that the sirdar again abused him whereupon he told the sirdar to talk properly and not to call him bad names, and that the sirdar then told him that he wanted to assault him (sirdar) and he would take his (Banwari's) job. Puran Gope's statement (Ext. M18) was next recorded. He repeated his story. Banwari thereafter cross-examined Puran.

22. The statement of Shri Ram Sarikh was recorded. Although he related the incident, he supported Banwari by saying that the sirdar, Puran Gope, abused Banwari. Curiously enough, Puran Gope refused to sign the statement saying that Ram Sarikh was not there and that he went to the place of occurrence after the incident was over.

23. The statements of Musan (Ext. M19) and Amiruddin (Ext. M20) were also recorded. Musan was cross-examined by Banwari but the cross-examination of Amiruddin was declined.

24. The Enquiring Officer's report (Ext. M24) is dated 12th December 1961 and he has found in this report that the charge levelled against Banwari has been established. Ext. M23 is the service record of Banwari which shows that he was once suspended for five days for dis-obedience and was later suspended for 10 days for disorderly and indecent behaviour towards an officer.

25. Ext. M25 is the letter sent by the Chief Mining Engineer conveying to Banwari that the charge against him had been established and that he was being dismissed from the Company's service with effect from the 28th December, 1961.

26. Mr. Narsingh, who has appeared on behalf of the workmen, has argued three points. The first point is that the statements recorded at the preliminary enquiry were not filed at the departmental enquiry. I do not think that there is any merit in this point. The learned Advocate has not been able to point out how any prejudice can be said to have been caused to the alleged delinquent on account of the management not having placed the papers of the preliminary enquiry before the enquiry officer at the time of the departmental enquiry.

27. The second point which he has argued is that the Enquiring Officer has not given any reason in his report for not acting upon the evidence of Ram Sarikh though he has quoted part of Ram Sarikh's statement. When Banwari himself stated before the Enquiring Officer that Ramsarikh was not present at the time of the incident and that he came there later, it is difficult to see how the enquiring officer could rely upon the testimony of that witness.

28. The third and last point which Mr. Narsingh has urged is that the enquiry was not held in accordance with the principles of natural justice because Banwari, the alleged delinquent, was examined before the witnesses against him were examined. He has said that the enquiry has been vitiated for this reason. In support of this argument, he has referred to the decisions of the Supreme Court in *Sur Enamel and Stamping Works Ltd., Vrs. their workmen* (reported in 1963 (II) L.L.J. 367); *Meenglas Tea Estate Vrs. Its workmen* (reported in 1963 (II) L.L.J. 392) and *Associated Cement Companies Ltd., Vrs. Their workmen and another* (reported in 1963 (II) L.L.J. 396). In the case of *Sur Enamel and Stamping Works Ltd.*, no witness was examined at the enquiry for the prosecution against the permanent workmen at all. The only persons who were examined by the enquiring officer were the alleged delinquents themselves. They were confronted with the reports of other persons made behind their back and were simply asked why these persons would report against them falsely. That case is, therefore, clearly distinguishable.

29. In the *Meenglas Tea Estate's* case, there were various infirmities. Firstly, the alleged eye-witnesses and aggrieved persons were themselves the enquiry officers. Secondly, the enquiry was confined to putting questions to each of the charged workmen in turn about the incident. No witness was examined in support of the charges framed against the workmen but the Enquiry Officers



acted upon their own knowledge of the occurrence. These infirmities are not to be found in this case. So, that case is also distinguishable.

30. In the Associated Cement Companies' case, various infirmities have been pointed out including the one that the accused workman was examined first. Some of the questions put to him were in the nature of questions which could be put in cross-examination. It was, therefore, pointed out that, at domestic enquiries "the employer should take steps first to lead evidence against the workman charged, given an opportunity to the workman to cross-examine the said evidence and then should the workman be asked whether he wants to give any explanation about the evidence led against him".

31. In the instant case, the only infirmity which has been shown by Shri Narsingh is that Banwari was examined first. He does not appear to have put any question of the nature of cross-examination. He has said in his evidence what he was saying from the time of his reply to the charge-sheet namely that the sirdar himself used filthy language towards him. I do not think that the proceeding can be held to be vitiated simply because the charged workman was first examined even in spite of the fact that no prejudice is shown to have been held that the above cases do not lay down an invariable rule. One of the pany, Ltd., and Their Workmen reported in 1967 (II) L.L.J. 715 in which it has been held that the above cases do not lay down an invariable rule. One of the considerations in such cases is whether prejudice has been caused.

32. I have come to the conclusion that, in the circumstances of this case, no prejudice was caused to Banwari and I do not think that there has been any infringement of the principles of natural justice in the course of the enquiry. The finding of the enquiry officer, Shri N. P. Sinha, is, therefore, binding upon me and I cannot reopen it and go into the evidence.

33. Puran Gope has been examined before me after remand of this case as M.W. 1. He has related the incident in the manner in which he gave the story previously. He has also spoken of the preliminary enquiry by Shri N. P. Sinha at which Shri Banwari was not present and the departmental enquiry by the same officer at which Banwari was present. Shri Narsingh has put questions to him to test his memory. It is clear that he has no recollection of what happened on other dates on about the 27th November, 1961, the date of the incident in question. In my opinion, however, that is not important because Puran cannot forget an important incident like a threat to his life held out by a miner. In any case it is unnecessary to go into the evidence adduced before me when I find that the Enquiring Officer's finding itself cannot be re-opened by the Tribunal.

34. In the circumstances mentioned above, I am satisfied that the dismissal of Banwari is justified. The other question does not therefore arise in his case.

*Bhusan Singh—Oil Mazdoor*

35. The case against him is that, in 'B' shift on the 1st December, 1961, a watchman named Jamaluddin detected him taking away two pieces of cable. When he found activities to be going on, he threw the cable pieces behind a tub and fled away. Chargesheet No. 1203 (Ext. M 26) dated 9-12-1961 was issued to him and he gave a reply (Ext. M 27). It was stated in the charge that he had committed misconduct punishable under sub-clause 2 of clause 19 of the Company's standing orders, by stealing two pieces of cable out of which one was attached with a joint box. A departmental enquiry was held by Shri N. P. Sinha on 22nd December, 1961 and 4th January, 1962. The proceedings are Exts. M 29 to M 31. In the Enquiry Officer's report (Ext. M 32), the finding is that the charge has been established. When the matter went up to the Chief Mining Engineer, however, he asked by his order (Ext. M 34) why Chakravarty had not been examined on the point whether he had seen Bhusan Singh at the office door or anywhere. It may be mentioned that Shri Chakravarty was then the Asstt. Manager of the Colliery. The Enquiring Officer recorded the statement (Ext. M 36) of Shri K. C. Chakravarty and submitted the papers along-with Shri Chakravarty's statement to the Chief Mining Engineer without any further comment under a memo Ext. M 38. Bhusan prayed for a little time under his application (Ext. M 40) to produce his witnesses but the Enquiring Officer forwarded it to higher officers. Time was not allowed to Bhusan Singh by any officer. By a letter (Ext. M 41) dated the 11/13th January, 1962. Bhusan was dismissed with effect from the 18th January, 1962.



36. On a perusal of the papers in connection with this alleged delinquent, I find that the most important question is whether his identity as the man who was taking away the two pieces of cable has been established. Before, however, I consider this question, I may mention that the first infirmity in the proceeding is that the Enquiring Officer started by examining Bhusan Singh first. On being examined, he denied having had anything to do with the theft of cable and said that he did not even recognise watchman Jamaluddin. The Enquiring Officer then started cross-examining him about whether he knew Jamaluddin beforehand. This Cross-examination should not have been indulged in.

37. In his statement Ext. M 29), the watchman, Jamaluddin, has stated that at about 10-30 p.m. he found that somebody was coming from the pit top with a rope, that he then told Ramjanam Singh, another watchman, that he should not allow the man with the rope to go unless he had a slip for taking out materials, that he himself then went towards the contractors' workshop, that he then started looking out to see where the man with the rope had gone, that he stayed thus for five minutes in the Workshop when, all of a sudden, he found Bhusan standing behind a tub which was in the Contractors' Workshop, that he then asked him who he was whereupon he (Bhusan) became very nervous and told him that he was a trolleyman; that he (Jamaluddin) focussed his torch and found Bhusan to be very nervous, that Bhusan then went away and he found a cable lying by the side of the tub and that he searched for Bhusan but could not find him even at the pit top. He says that he reported the matter to Shri Chakravarty. On being cross-examined by Bhusan, he denied that Bhusan was standing by the side of Shri Chakravarty's table. Jamaluddin has no-where stated in his statement before the Enquiring Officer that he identified Bhusan nor that he saw Bhusan dropping the pieces of cable behind the tub in the contractors' workshop. Although he has said in that statement that he found Bhusan to be very nervous and even questioned him, it is curious that he does not speak of having made any attempt to catch Bhusan or to get him caught at the spot.

38. In his report (Ext. M 32), the Enquiring Officer has stated as follows:

"On the other hand Shri Jamaluddin, Watchman has stated that he started watching when a man was seen coming with a rope. He watched his movement and ultimately the man was caught while he was standing behind a tub. Further Shri Jamaluddin has told that he found Shri Bhusan in a nervous state when he enquired about the welfare.

Shri Jamaluddin is the only eye witness and as such due weight has definitely be given in comparison to the facts stated by Shri Bhusan".

39. Thus the Enquiring Officer was under a wrong impression that Bhusan was actually caught at the spot. He was also wrong in not directing his attention to the question whether Bhusan had been actually identified by Jamaluddin.

40. As I have said, the next development was that the Enquiring Officer had to record the statement of Shri Chakravarty. Shri Chakravarty stated that he came up from No. 10 Pit at about 11.45 p.m., that while he was moving to his office. Chaprasi Jamaluddin reported on the pit top that the two pieces of cable along with a joint box were being taken away by somebody from the pit top towards the workshop, that he asked the chaprasi whether he could catch hold of the person whereupon the caprasi replied that he could not name the person but could identify him and gave him some description of the man (which could apply to any number of men), that Shri Jamaluddin came again in the second shift on 2nd December, 1961 and told him that the person whom he saw on the night of occurrence was sitting near the fire, that he instructed Sil Babu to go with him and find out who the person was, and then Sil Babu reported that the name of the person was Bhusan Singh. Thus the state of the evidence after the examination of Shri Chakravarty was that it was perfectly clear that Jamaluddin had not identified the alleged thief, that he had not pointed out the alleged thief to the Asst. Manager, that he had merely told the Asst. Manager that the thief was sitting some-where and that one Sil Babu was sent and he identified the alleged thief as Bhusan Singh. Sil Babu, therefore, became a very important witness and he was not examined at all. That being so, I think that the Enquiring Officer was very much in the wrong in not giving a finding after examining Shri Chakravarty whether the identity of Bhusan as the alleged thief had been established.

41. Jamaluddin has been examined before me after remand. He has stated before me that, after seeing a man getting down from No. 10 pit top, he went to the Contractors' Workshop. The man attempted to flee and he was Bhusan.



On being cross-examined, he has stated that, at the time of the incident, he recognised Shri Bhusan Singh as a man who worked in the colliery and that he did not then know his name. He has further said that he pointed him out to the Asstt. Manager next day and the Asstt. Manager told him that that was Bhusan Singh. This is in conflict with what Shri Chakravarty himself stated. Besides, the time was about 10.30 or 11.00 at night. Jamaluddin himself says that he saw the man when he was at the pit top which was at a height. It is difficult to believe that he would remember the features of a man, whom he did not personally know, so well; that he would be able to point him out next day.

42. On a consideration of all the facts and circumstances of the case, I have come to the conclusion that the Enquiring Officers finding, based as it is on a part of the evidence, cannot be accepted. He has not considered the statement of Shri Chakravarty. He has not bothered to pay attention to the question as to whether the identity of Bhusan has been established as the thief. His finding that the charge has been established against Bhusan is, therefore, clearly perverse. I cannot uphold it. The evidence of Jamaluddin before the Tribunal can also not be held to establish the identity of Bhusan as the thief. It has to be kept in mind in this connection that he is the only eye witness and that Sil Babu has not been examined.

43. Another infirmity which may be pointed out is that there seems to have been no justification for not giving him time to examine his witnesses. The proceeding does not appear to have proceeded at a fast speed from that stage.

44. In the circumstances mentioned above, I hold that the dismissal of Bhusan Singh is not at all justified. The relief which he is entitled to is that he should be reinstated from the date of his dismissal with all his back wages upto the date of re-instatement as well as continuity of service.

#### *Hembahadur—Watchman*

45. He was deputed as a night watchman at the bungalow of Shri R. B. Chaudhury, Manager, Digwadih Colliery, on the night of 8th May, 1962 and 9th May, 1962. Chargesheet No. 537 (Ext. M 42) dated the 10/14th May, 1962 alleges that the Manager found this Watchman at about 4.30 a.m. on 8th May, 1962 going away with some empty packing boxes and an empty kerosene oil tin which were lying in his compound. Such materials had also been removed by the watchman on the previous night and, on enquiry at the office on the following days, he could not give satisfactory explanation. On the other hand, he had admitted taking away the materials in the presence of many officers of the company. He was, therefore, charged under clause 2 of clause 19 of the standing orders. In the reply (Ext. M 43) Hambahadur has stated that the entire allegation against him were false and they had been made because he had refused to work at the Manager's Bungalow as a domestic servant.

46. Departmental enquiry was held by Shri N. P. Sinha on the 23rd May, 1962 and the proceedings are Ext. M 45 to M 48. In the report (Ext M 49), the enquiry officer found that the charge against Hambahadur had been established. By the letter (Ext. M 50) dated the 25/27th June, 1962, the Chief Mining Engineer dismissed Hembahadur from the company's service with effect from the 2nd July, 1962.

47. In this case, Shri N. P. Sinha examined Hembahadur first as it appears to have been usual with him to examine the alleged delinquent at the very start. At that examination, however, Hembahadur merely said that he was working as a watchman; that he had already submitted his explanation and that he had nothing further to add. Thus there is hardly any examination—much less cross-examination—of the alleged delinquent at the start of the proceeding in this case. This infirmity is, therefore, absent.

48. I am unable to find any other infirmity in the enquiry proceeding or the report of the Enquiring Officer. Shri Narsingh has also not been able to point out anything. The only point which he has argued is that Hambahadur cannot be found to be guilty of misconduct under sub-clause 2 of clause 19 of the standing orders because that sub-clause applies only when the theft, fraud and dishonesty is committed in connection with the company's business or property. Shri Narsingh has pointed out that there is no evidence at all to show that the materials which are alleged to have been stolen by Hembahadur belonged to the company. This is quite true. I cannot but hold, therefore, that the alleged misconduct has not been established. At the same time, however, there cannot be any doubt about the finding of the Enquiring Officer—and I do not see any ground



to reopen that finding—that Hembahadur committed theft of some property like packing cases and empty kerosene oil tin. A man who commits theft cannot be held to be fit to continue in the company's service. I, therefore, hold that, while the dismissal of Hembahadur on the ground of having committed misconduct under clause 19(2) of the standing order is technically not justified a case has been made out for his discharge on the finding that he has committed theft. In my opinion, therefore, his dismissal should be converted into discharge and he should be paid three months' wages as compensation. I do not think that he is entitled to any other relief.

49. I have given my conclusion in the case of each of the four workmen while dealing with his case. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd/-) KAMLA SAHAI,

Presiding Officer.

[No. 2/38/63-LR.II.]

### ORDERS

*New Delhi, the 20th June, 1968*

**S.O. 2272.**—Whereas an industrial dispute exists between the management of the National Coal Development Corporation Limited, Post Office Bermo, District Hazaribagh (hereinafter referred to as the said company and their workmen represented by the Colliery Mazdoor Sangh, Lubi Circular Road, Dhanbad (hereinafter referred to as the Union);

And whereas the said company and the Union have, by a written agreement, in pursuance of the provisions of subsection (1) of Section 10A of the Industrial Disputes Act 1947 (14 of 1947), referred the said dispute to the arbitration of the persons specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 10th June, 1968.

#### FORM C

(See Rule 6)

#### Agreement

(Under Section 10A of the Industrial Disputes Act, 1947)

#### BETWEEN

#### NAME OF PARTIES:

*Representing employers.*—Sri S. Yegneswaran, Area General Manager (B&K) National Coal Development Corporation Limited, P. O. Bermo, Distt. Hazaribagh.

*Representing workmen.*—Sri B. Dubey, General Secretary, Colliery Mazdoor Sangh, Lubi Circular Road, Dhanbad.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of [here specify the name(s) and address(es) of the arbitrator(s)],

(a) Sri J. G. Kumarmangalam, Managing Director, Neyveli Lignite Corporation, P.O. Neyveli Distt., South Arcot (Madras State),

(b) Sri Kanti Mohta, 9, Elgin Road, Calcutta.

(1) Specific matters in dispute.

“Whether the demand for W.B. Cat.VI by the excavating plant fitters grade III, excavating plant electricians Grade III, excavating plant welders Grade III, excavating plant Machinists Grade III and excavating plant turners Grade III employed in the open cast mechanised mines of N.C.D.C. Ltd., is justified? If not, what should be their appropriate category/time scale of wages.”



(i) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

(a) Employer—National Coal Development Corporation Limited, Head Office Darbhanga House, Ranchi.

(b) For employees—The Colliery Mazdoor Sangh Dhanbad and its branches in the coalfields.

(iii) Name of the Union, if any, representing the workmen in question. The Colliery Mazdoor Sangh.

(iv) Total number of workmen employed in the undertaking affected—about 5,000.

(v) Estimated number of workmen affected or likely to be effected by the dispute about 500.

*The majority decision:*

(We further agree that of the arbitrators shall be binding on us, in case the arbitrators are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator(s) shall make his/their award within a period of three months (here specified the period agreed upon by the parties) or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

*Witnesses:*

(1) M. L. GULATI,  
Sr. Cr. P.O. (B&K)  
N.C.D.C. Ltd.,

(2) (Sd.) Illegible.  
Colliery Mazdoor Sangh  
P. O. Bermo (Hazaribagh).  
P. O. Bermo (Hazaribagh)

*Signature of the Parties:*

(Sd.) S. YOGNESWARAN,  
Area General Manager (B&K),  
Representing Employer.

(Sd.) B. DUBE,  
General Secretary,  
Colliery Mazdoor Sangh.  
Representing the workers.

Dated 15th May, 1968.

Copy to:—

(1) The Assistant Labour Commissioner (Central) (here enter office address of the Assistant Labour Commissioner (Central) in local area concerned), Hazaribagh.

(2) The Regional Labour Commissioner (Central), Dhanbad.

(3) The Chief Labour Commissioner (Central), New Delhi.

(4) The Secretary to the Government of India, Ministry of Labour, New Delhi

[No. 2/90/68-LR.II.]

S.O. 2273.—Whereas an industrial dispute exists between the employers in relation to the Chapui Khas Colliery, Post Office Kalipahari, District Burdwan and their workmen represented by the Colliery Mazdoor Congress (HMS), Bengal Hotel, Asansol.

And whereas the said employers and the workmen have, by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the dispute to arbitration of the person mentioned therein and have forwarded to the Central Government under sub-section (3) of section 10A of the said Act a copy of the said arbitration agreement;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 4th June, 1968.

#### *Agreement*

(Under section 10-A of the Industrial Disputes Act, 1947).

**BETWEEN:**

*Names of parties:*

*Representing employers.*—Shri R. M. L. Khanna—Manager, Chapui Khas Colliery, P.O. Kalipahari, Dist., Burdwan.

*Representing employees.*—Shri Joyanta Podder, Joint Secretary, Colliery Mazdoor Congress (HMS), Bengal Hotel, Asansol.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri K. Sharan, Regional Labour Commissioner (C), Asansol.



## (1) Specific matters in dispute.

"Keeping in view the recommendations of the Central Wage Board for Coal Mining Industry (as accepted by the Government of India, Ministry of Labour, Employment and Rehabilitation) and also the justifiability or otherwise of the workers demand, what should be the basis for payment to the underground loaders of the Chapui Khas Colliery of M/s. Bharat Collieries Ltd., on the date/dates when they are detained on duty underground without provisions of any work by the management due to breakdown of machineries or for other reasons."

## (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

Chapui Khas Colliery of M/s. Bharat Collieries Ltd., P.O. Kalipahari, Dist., Burdwan.

AND

their workmen represented through the Colliery Mazdoor Congress (HMS), Bengal Hotel, Asansol.

## (iii) Name of the union, if any, representing the workmen in question.

Chapui Khas Colliery of M/s. Bharat Collieries Ltd., P.O. Kalipahari, Dist.,

(iv) Total number of workmen employed in the undertaking affected.  
1100.

## (v) Estimated number of workmen affected or likely to be affected by the dispute.

300.

The arbitrator shall make his award within a period of six months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

*Witnesses:*

*Signature of the Parties.*

(1) Sd./- T. SINHA,  
1-4-1968.

*Representing employers.*

(2) Sd./- J. N. SINGH,  
1-4-1968.

Sd./- RAM MURTILAL KHANNA,  
1-4-1968.

Manager,  
Chapui Khas Colliery.

*Representing employees.*

Sd./- JAYANTA PODDER,  
1-4-1968.

Joint Secretary,  
Colliery Mazdoor Congress (HMS),  
Bengal Hotel, Asansol.

*Dated: the 1st April, 1968.*

[No. 6/31/68-LRII.]



*New Delhi, the 22nd June 1968*

S.O. 2274.—Whereas, the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether the management of the Singareni Collieries Company, Limited, Post Office, Kothagudium Collieries (Andhra Pradesh) was justified in terminating the services of Shri M. Dharma Raj, Welder, Main Workshop, Kothagudium Collieries, with effect from the 27th July, 1967? If not, to what relief, is the workman entitled?

[No. 7/1/68-LRII.]

S.O. 2275.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Tetturya Colliery of M/s. Tentulia Khas Collieries Limited, Post Office Malkera, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2), Dhanbad constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited, Post Office, Malkera, District Dhanbad, of which Messrs Karamchand Thaper and Brothers (Private) Limited are the Managing Agents, in superannuating Shri Teju Ram, Chhaprasi with effect from the 1st April, 1967 was justified? If not, to what relief is the workman entitled?

[No. 2/87/68-LRII.]

#### CORRIGENDUM

*New Delhi, the 22nd June 1968*

S.O. 2276.—In the Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1751 dated the 9th May, 1968, published at page 2311 of the Gazette of India, Part II, Sub-Section 3(ii), dated the 18th May, 1968.

in line four of the Schedule for "31st November, 1967" read "30th November, 1967".

[No. 5/22/68-LRII.]  
BALWANT SINGH, Under Secy.



## (Department of Labour and Employment)

*New Delhi, the 21st June 1968*

**S.O. 2277.**—Whereas by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4422, dated the 6th December, 1967, the Central Government, being satisfied that the public interest so required, had declared the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a period of six months from the 22nd December, 1967;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd June, 1968.

[No. F. 1/38/68-LRI.]

*New Delhi, the 22nd June 1968*

**S.O. 2278.**—Whereas an industrial dispute exists between the management of Bikaner Gypsums Limited, Bikaner (hereinafter referred to as the said Company) and their workmen represented by the Rashtriya Gypsum Karmachari Sangh, Jamsar and the Gypsum Mine Workers' Union, Jamsar (hereinafter referred to as the Unions);

And whereas the said company and the Unions have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 7th June, 1968.

## FORM 'C'

(See Rule 6)

Under Section 10A of the Industrial Disputes Act, 1947.

## BETWEEN

**Name of Parties:****Representing employers:**

Shri H. Chaudhury,  
Resident Manager & Agent,  
Bikaner Gypsums Limited,  
Bikaner.

**Representing Workmen:**

(I) Shri V. N. Gupta, Secretary,  
Gypsum Mine Workers Union, Jamsar.

(II) Shri Dilbagh Singh, Vice-President,  
Rashtriya Gypsum Karmachari  
Sangh, Jms.

It is hereby agreed between the parties to refer the following industrial disputes to the arbitration of Shri O. Maheepathi, Officer-on-Special Duty, Government of India, Ministry of Labour and Employment, Office of the Chief Labour Commissioner(C), Shramasakti Bhawan, Rafi Marg, New Delhi:

(i) Specific matters in dispute:

As per Annexure 'A'.

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

The management of Bikaner Gypsums Ltd., Sadul Club Building, Bikaner and its workmen represented by the Rashtriya Gypsum Karmachari Sangh, Jamsar and the Gypsum Mine Workers' Union, Jamsar.



(iii) Name of the Union.

1. Rashtriya Gypsum Karmachari Sangh, Jamsar.

2. Gypsum Mine Workers' Union, Jamsar.

(iv) Total number of workmen employed in the undertaking affected.

462 (Appxly).

(v) Estimated number of workmen affected or likely to be affected by the dispute.

462 (Appxly).

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of 9 (Nine) months or within such further time as is extended by mutual agreement between us in writing. In case the Award is not made within the aforementioned period, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

*Signature of the Parties:—*

Representing Employer.

(Sd.) H. CHAUDHURY.

Resident Manager & Agent, Bikaner Gypsums Limited, Bikaner.

Representing Workmen :—

(i) (Sd.) V. N. GUPTA, Secretary,  
Gypsum Mine Workers' Union,  
Jamsar.

(ii) Shri Dilbagh Singh, Vice-President,  
Rashtriya Gypsum Karmachari Sangh, Jamsar.

Witnesses :

(1) (Sd.) Illegible.

(2) (Sd.) Illegible.

cc to :—The Asst. Labour Commissioner (C), Ajmer.

cc to :—The Regional Labour Commissioner (C), Ajmer.

cc to :—The Chief Labour Commissioner (C), New Delhi.

cc to :—The Secretary, Government of India,  
Ministry of Labour & Employment, New Delhi.

BIKANER,

Dated—29-5-68.

#### ANNEXURE 'A'

SPECIFIC MATTERS IN DISPUTE REFERRED FOR ARBITRATION UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947 OF SHRI O. MAHIPATHI BY AN AGREEMENT DATED 29-5-1968 BETWEEN THE MANAGEMENT OF BIKANER GYPSUMS LIMITED AND ITS WORKMEN REPRESENTED BY RASHTRIYA GYPSUM KARMACHARI SANGH AND GYPSUM MINE WORKERS UNION

*List of cases of individual grievances and anomalies submitted by the Rashtriya Gypsum Karmachari Sangh (hereinafter called the Sangh)*

1. Whether the demand of the Sangh that one step increment should be given to S/Shri Deen Dayal Singh, Asst. Foreman (Loading), Chait Ram, Asst. Foreman (Quarry), Roshan Khan, Diesel Mechanic and Abdul Hamid, Lathe Mistry with effect from 1st October, 1966 and one step increment should be given to Shri Nauhiyal Singh, Asst. Foreman (Loading) from 1st August, 1966 is justified and if so, to what relief they are entitled.

2. Whether the demand of the Sangh that Shri Goberdhan, Mate should be given one step increment is justified and if so, to what relief he is entitled.

3. Whether the demand of the Sangh that S/Shri Ramjan, Sudarshan, Shaitan Singh, Mazdoors should have been promoted as Helpers with effect from 1st October, 1966 instead of 1st October, 1967 is justified and if so, to what relief they are entitled.



4. Whether the demand of the Sangh that the workers named below should be promoted to the category mentioned against their name is justified and if so, to what relief they are entitled:—

Sl. No.	Name of the Workmen	Category in which they are working at present	Category to which the Sangh has demanded promotion
(1)	Shri Chela . . . . .	Helper	Shovel Atttd.
(2)	Shri Sakroo . . . . .	Helper	Shovel Atttd.
(3)	Shri B. L. Soni . . . . .	Helper	Khalasi
(4)	Shri Bishal Singh . . . . .	Helper	Khalasi
(5)	Shri Abdul Shakoor . . . . .	Stationary Engine Atttd.	Generator Operator
(6)	Shri S. K. Bhattacharya . . . . .	Draftsman	Senior Draftsman
(7)	Shri N. R. Chakraborty . . . . .	Shot Filer	Supervisor
(8)	Shri Kishan Lal . . . . .	Clerk	Senior Time Keeper
(9)	Shri J. R. Phulia . . . . .	Clerk	Senior Time Keeper/ Sr. Clerk.

5. Whether the demand of the Sangh that the basic pay of Shri Ramjiwan and Shri A. K. Biswas, Supervisors should be fixed at Rs. 116/- with effect from 1-10-1966 is justified and if so to what relief they are entitled.

6. Whether the demand of the Sangh that fixing of S/Shri Gorkha Ram and Ismail, Fitters in the revised grade vide Executive Order No. A/2-10275/19 dated 17-3-67 is discriminatroy and should be rectified, is justified and if so, to what relief they are entitled.

7. Whether the demand of the Sangh that Shri A. K. Srimani, Blaster, should be given one step increment from 24th March, 1965 is justified and if so, to what relief he is entitled.

8. Whether the demand of the Sangh that Shri Moda, Helper, should be promoted to the post Peon from 1st October, 1966 is justified and if so, to what relief he is entitled.

9. Whether the demand of the Sangh that the Head Chowkidars should not be given work of Chowkddar, is justified or not.

10. Whether the demand of the Sangh that the grades of Junior Stenographer, Senior Clerks Sub-Overseer, Assistant Foreman (Quarry), Draftsman, Driver 'A', Asst. Foreman (Loading), Incharge (Water Supply) and Senior Time Keeper should be the same as that of Security Inspector is justified.

11. Whether the demand of the Sangh that the scale of the Chief Time Keeper should be Rs. 215—15—275—EB—20—415 is justified.

12. Whether the demand of the Sangh that in not granting one step increment from 1st October, 1966 to S/Shri Mange Shah, Dhanla, Goberdhan, Deola, Nathu Shah and Baloo Lal, all Mate, these workers have discriminated against and that this discrimination should be removed and they should be granted one step increment from 1st October, 1966 is justified and if so, to what relief they are entitled.

13. Whether the demand of the Sangh that the Helpers named below should be given one step increment from 1-3-1966, is justified and if so, to what relief they are entitled:—

Sl. No.	Name of the Workmen	T. No.
(1)	Shri B. L. Soni . . . . .	
(2)	Shri Sarwar Khan . . . . .	
(3)	Shri Magla . . . . .	
(4)	Shri Nathu Shah . . . . .	2260
(5)	Shri Bishal Singh . . . . .	2261
(6)	Shri Rakhu Khan . . . . .	2262



1	2	3	4	5
(7)	Shri Faizu Shah	.	.	2264
(8)	Shri Ganesh Pd.	.	.	.
(9)	Shri Ram Behari	.	.	.
(10)	Shri Alam Shah	.	.	.
(11)	Shri Hussenia	.	.	.
(12)	Shri Bhera	.	.	.
(13)	Shri Mahmood Shah	.	.	.
(14)	Shri Pokar	.	.	.
(15)	Shri Abdul Shah	.	.	.
(16)	Shri Haji Shah	.	.	.
(17)	Shri Dalel Shah	.	.	.
(18)	Shri Mozam Shah	.	.	.
(19)	Shri Noor Shah	.	.	.
(20)	Shri Abdul Qadir	.	.	.
(21)	Shri Man Singh	.	.	.
(22)	Shri Chhotu Khan	.	.	.
(23)	Shri Ram Behari	.	.	.
(24)	Shri Baij Nath Shukla	.	.	.

14. Whether the demand of the Sangh that the probationary period of S/Shri Pokar Dalel Shah Noor Shah, Hazi Shah, Abdul Shah should not have been extended by six months is justified and if so, to what relief they are entitled.

15. Whether the demand of the Sangh that Shri N. N. Singh, Asst. Foreman (Loading), should be granted cash handling allowance @ Rs. 5/- per month from 24th July, 1964 is justified and if so, to what relief he is entitled.

16. Whether the demand of the Sangh that Shri N. N. Singh, Asstt Foreman (Loading), is entitled to acting allowance of the post of Assistant Foreman (Loading) from 8th October, 1961 to 14th July, 1964 is justified and if so, to what relief he is entitled.

17. Whether the demand of the Sangh that the basic pay of the employees named below should be fixed from 1st October, 1966 as shown against their names is justified and if so, to what relief they are entitled :—

(1) Shri S. B. Lall Bhatnagarh.	.. Rs. 175.00
(2) Shri A. N. Bhowmik.	.. Rs. 162.50
(3) Shri C. L. Sharma.	.. Rs. 162.50
(4) Shri R. L. Singhi.	.. Rs. 162.50
(5) Shri R. D. Sharma.	.. Rs. 162.50
(6) Shri Dilbagh Singh.	.. Rs. 162.50
(7) Shri Virendra Kumar.	.. Rs. 162.50
(8) Shri S. D. Tewari.	.. Rs. 162.50
(9) Shri Jaswant Singh.	.. Rs. 162.50
(10) Shri Raj Kumar.	.. Rs. 162.50

18. Whether the demand of the Sangh that Shri Adya Tewari, Senior Peon, should be granted four step increments from 1st October, 1966 is justified and if so, to what relief he is entitled.

19. Whether the demand of the Sangh that Shrimati Monohari Devi should be employed for full time and not part time and be paid wages accordingly is justified and if so, to what relief she is entitled.

20. Whether the demand of the Sangh that Shri C. L. Tak should be granted house rent allowance @ Rs. 15 per cent and he should be supplied free electricity upto 35 units as mentioned in Shri Tak's letter dated 5th July 1967 is justified and if so, to what relief he is entitled.

21. Whether the demand of the Sangh that the management should reimburse the cost of medicines purchased by the Contractor's labour employed at Lunkaran-sar for their treatment, is justified and if so, to what relief they are entitled.



22. Whether the demand of the Sangh that, the service of Shri P. R. Mazumdar, Supervisor and Shri J. R. Phulia, Clerk should be deemed to be continuous from the date of their temporary appointment, is justified and if so, to what relief they are entitled.

23. Whether the demand of the Sangh that Shri Noor Shah working at present as Village Piece Worker, should be promoted as Chowkidar, is justified and if so, to what relief he is entitled.

24. Whether the demand of the Sangh that Shri S. B. Lall Bhatnagar should be paid cash handling allowance at the rate of Rs. 10/- per month, is justified and if so, to what relief he is entitled.

25. Whether the demand of the Sangh that Shri Bhanwar Shah, Fitter should have been promoted from 8th March 1966 instead of 1st April 1967, is justified and if so, to what relief he is entitled.

26. Whether the demand of the Sangh that the employees employed at Suratgarh Mines should be given house rent allowance is justified, and if so, at what rate and from what date house rent should be paid.

27. Whether the demand of the Sangh that Shri Pyera Lall, Mail Peon, should be promoted as a Clerk, is justified and if so, to what relief he is entitled.

28. Whether the demand of the Sangh that Shri Biddhi Chand, Driver should be promoted as Driver 'A' is justified and if so to what relief he is entitled.

29. Whether the demand of the Sangh that Shri D. N. Bhattacharya, Paymaster, should be promoted as Asstt. Accountant and that he should be paid cash handling allowance @ Rs. 10/- per month is justified and if so, to what relief he is entitled.

30. Whether the demand of the Sangh that Shri S. B. Banerjee, Senior Clerk, should be given two step increments—one increment from 1st April 1960 and the other increment from 1st September 1965, is justified and if so, to what relief he is entitled.

31. Whether the demand of the Sangh that Bikaner Office Peons should be granted an allowance of Rs. 5/- per month is justified and if so, to what relief they are entitled.

32. Whether the demand of the Sangh that washing charges of woollen uniforms of Bikaner Office Peons and Chowkidars should be paid, is justified and if so, at what rate the washing charges should be paid.

33. Whether the demand of the Sangh that Shri Sureshwar Saran, Senior Clerk should be promoted as Asstt. Accountant is justified and if so, to what relief he is entitled.

34. Whether the demand of the Sangh that Shri S. N. Saha, Senior Stenographer, should be promoted as Office Superintendent is justified and if so, to what relief he is entitled.

35. Whether the demand of the Sangh that Shri S. N. Pal, Junior Stenographer should be promoted as Senior Stenographer is justified and if so, to what relief he is entitled.

*List of cases of individual Grievances and Anomalies Submitted by the Gypsum Mine Workers Union (Hereinafter called the Union)*

1. Whether the demand of the Union that the workmen named below should be promoted to the category mentioned against their names from 1-10-1966 is justified and if so, to what relief they are entitled:

Sl. No.	Name of the Workmen	Category in which they are working at present	Category to which the Union has demanded promotion
2		3	4
(1)	Shri Bulaki Ram	Stationary Engine Attndt.	Generator Operator
(2)	Shri B. N. Gupta	Asstt. Loading Foreman	Loading Foreman
(3)	Shri Radhey Shyam	Supervisor (Canteen)	Sub-Inspector Security.
(4)	Shri Gulab Singh	Supervisor (Watch & Ward)	Sub-Inspector Security.



1	2	3	4
(5)	Shri Ramdeo Kajaria	Asstt. Quarry Foreman	Junior Quarry Foreman
(6)	Shri Sitaram Agarwal	Asstt. Quarry Foreman	Junior Quarry Foreman
(7)	Shri Purnamal Khatri	Senior Peon.	Supervisor (Watch & Ward)
(11)	Shri Lal Singh	Diesel Mechanic	Asstt. Foreman (Mech.)
(12)	Shri Mangoo	Diesel Mechanic	Asstt. Foreman Mechanical
(13)	Shri Kanji	Helper	Peon
(14)	Shri Manji Khan	Helper	Peon
(15)	Shri Ram Singh	Clerk	Senior Clerk.
(16)	Shri B. S. Sharma	"	"
(17)	Shri H. K. Bhargava	"	"
(18)	Shri M. C. Vijay	"	"
(19)	Shri O. P. Bansal	"	"
(20)	Shri A. K. Sharma	"	"
(21)	Shri Jaswant Singh	"	"
(22)	Shri R. C. Sharma	"	"
(23)	Shri R. S. Saxena	"	"
(24)	Shri B. L. Ojha	"	"
(25)	Shri U. S. Suthar	"	"
(26)	Shri K. K. Swami	Junior Steno.	Sr. Steno.
(27)	Shri Pyare Lal	Mail Peon	Clerk
(28)	Shri D. D. Bhaduri	Senior Clerk	Record Keeper
(29)	Shri Ganesharam	Auto Elect. Attdt.	Mechanic. Auto Elect.
(30)	Shri Khuda Bux	Helper	Driver 'B'
(31)	Shri Hari Singh	Helper	Driver 'B'
(32)	Shri Pusha	Helper	Driver 'B'
(33)	Shri Ramoo	Mazdoor	Helper
(34)	Shri Liladhar	"	"
(35)	Shri Sidharam	"	"
(36)	Shri Kanaram	"	"
(37)	Shri Gangaram	"	"
(38)	Shri Abdul Shah	"	"
(39)	Shri Danaram	"	"
(40)	Shri Narsiram	"	"
(41)	Shri Hukmaram	"	"
(42)	Shri Rahamat Ali	"	"
(43)	Shri Shaitan Singh	"	"
(44)	Shri Girdhar	"	"
(45)	Shri Buxa Khan	"	"
(46)	Shri Chela Ram	Helper	Driller
(47)	Shri Jeevan	Helper	Driller
(48)	Shri Dhura Ram	Helper	Fitter
(49)	Shri Bishan Singh	"	Shovel Attdt.
(50)	Shri Sakroo	"	"
(51)	Shri Noola Ram	"	"
(52)	Shri Jwahera	"	"
(53)	Shri Rupla	"	"
(54)	Shri Hari Singh	"	"
(55)	Shri R. A. Sharma	Senior Clerk	Store Keeper.
(56)	Shri V. Kumar	Senior Clerk.	Store Keeper

2. Whether the demand of the Union that the salaries of S/Shri Ram Singh, B.L. Ojha, B.S. Sharma, M. C. Vijay, A. K. Biswas, R. C. Sharma, R. S. Saxena and A. K. Sharma, all Clerks, should be fixed at Rs. 116/- from 1-10-1966 is justified and if so, to what relief they are entitled.

3. Whether the demand of the Union that Shri B.K. Deb, Senior Stenographer should be given one step increment with effect from 1-4-1965, is justified and if so, to what relief he is entitled.

4. Whether the demand of the Union that Shri S. N. Chippa, Clerk should have been promoted as Senior Clerk from 1-2-66 and his seniority should be fixed over Shri D.P. Bhojak, is justified if so, to what relief he is entitled.

5. Whether the complaint of the Union that Shri Gani Khan, Mazdoor should not have been granted acting allowance and promoted to the post of Labour Mate (Water Supply) prior to other Senior Mazdoors to him is correct, justified and if so, how it can be rectified?



6. Whether the demand of the Union that Shri Sher Khan's Mate should be transferred from Suratgarh Mine to Jamsar is justified and if so, to what relief he is entitled.

7. Whether the demand of the Union that Shri Sher Singh, Supervisor, should be paid acting allowance as Supervisor from 1st October 1962 to 31st August 1964 is justified and if so, to what relief he is entitled.

8. Whether the demand of the Union that special leave should be sanctioned to Shri B. L. Ojha, Clerk and Shri Purnamal Khatri, Senior Peon, for 18 days and 14 days respectively, is justified and if so, to what relief they are entitled.

9. Whether the demand of the Union that Shri A. R. Ghalot, Diesel Mechanic, should be paid one step increment from 1st October 1966 on the grounds of his efficient services and experience is justified and if so, to what relief he is entitled.

10. Whether the demand of the Union that Shri Shela Saha, Village Plicemeal Worker, should be promoted to the post of Labour Mate is justified and if so, to what relief he is entitled.

11. Whether the demand of the Union that Shri R. L. Sharma, Driver, should be paid wages for the period of his absence from 4th January 1967 to 18th March 1967 is justified and if so, to what relief he is entitled.

12. Whether the demand of the Union that Shri Achloo, Helper should be promoted as Engine Attendant from 1st October 1966, is justified and if so, to what relief he is entitled.

13. Whether the demand of the Union that Shri Rampal, Carpenter, should be granted one step increment from 1st March 1966 is justified and if so, to what relief he is entitled.

14. Whether the demand of the Union that the deductions of house rent from the wages of Shri M. C. Vijay, Clerk, made during the period from July 1966 to April 1967 are not legal and should be refunded to him as justified.

15. Whether the demand of the Union that duties of all Chowkidars in the Watch & Ward Section, irrespective of their seniority should be fixed on rotation, is justified.

16. Whether the demand of the Union that one step increment should be given to Shri Mohan Lal and Shri S. L. Thanvi, all Supervisors, with effect from 1st October 1966 is justified and if so to what relief they are entitled.

17. Whether the demand of the Union that Shri Raghunandan, Compressor Attendant should be given one step increment in his present grade from 1st April 1967, is justified and if so, to what relief he is entitled.

18. Whether the demand of the Union that Shri Gulab Singh, Supervisor (watch & Ward) should be paid T.A. Bill for journey performed from Dhirera to Bikaner for treatment of his son is justified and if so, to what relief he is entitled.

19. Whether the demand of the Union that Shri Ramdeo Kajarla, Asstt. Foreman (Quarry) should be paid wages for leave period from 15th July 1966 to 14th January 1967 is justified and if so, to what relief he is entitled.

20. Whether the demand of the Union that non-practice allowance paid to the Senior Compounders should be increased is justified and if so, to what relief they are entitled.

21. Whether the demand of the Union that Shri R. A. Sharma, Senior Clerk, should be paid acting allowance for the period from 1st June 1966 to 31st July 1966 as Store Keeper is justified and if so, to what relief he is entitled.

22. Whether the demand of the Union that the age of Shri Sher Khan in his service record should be corrected, is justified and if so, to what relief he is entitled.

23. Whether the demand of the Union that S/Shri Inder Sain, Umer Singh, Bhurey, Khan and Mangal Singh, all Shovel Operators should be given four step increments from 1st October 1966 is justified and if so, to what relief they are entitled.



24. Whether the demand of the Union that Shri B. K. Sharma, Senior Com-pounder, should be granted one step increment from 1st February 1967 is justified and if so, to what relief he is entitled.

25. Whether the demand of the Union that the amount of house rent deducted from the salary of Shri M. U. Bhansen, Blacksmith @ Rs. 6.50 per month for the period from 1st October 1966 onwards should be refunded, is justified and if so, to what relief he is entitled.

26. Whether the demand of the Union that Shri Jagdish, Mazdoor, should be promoted to the post of Helper (Blasting) is justified and if so, to what relief he is entitled.

27. Whether the demand of the Union that their two members should be given T.A. and D.A. for attending conciliation and labour Court instead of one is justified.

28. Whether the demand of the Union that the Laboratory Boys should be supplied white pant instead of Khaki pant is justified.

29. Whether the complaint of the Union that the granting of acting allowance to Shri J. D. Phulia is an act of favouritism is correct and if so, how it should be rectified.

**BIKANER,**

*Dated, 29-5-68.*

[No. 24/25/68-LRI.]

**S.O. 2279.**—In exercise of the powers conferred by section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes Labour Court No. 3 with headquarters at Dhanbad for the adjudication of industrial disputes relating to any matter specified in the Second Schedule to the said Act and for performing such other functions as may be assigned to it under the said Act, and appoints Shri Sachidanand Sinha as the Presiding Officer of that Court, with effect from the 17th June, 1968.

[No. F. 1/30/68-LRI/(i).]

**S.O. 2280.**—In exercise of the powers conferred by section 7A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes Industrial Tribunal No. 3 with headquarters at Dhanbad, and appoints Shri Sachidanand Sinha as the Presiding Officer of that Tribunal with effect from the 17th June, 1968.

[No. F. 1/30/68-LRI/(ii).]

*New Delhi, the 24th June 1968*

**S.O. 2281.**—Whereas the Central Government, having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, (14 of 1947) declared by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4541, dated the 14th December, 1967, the banking industry carried on by a banking company as defined in clause (bb) of section 2 of the said Act, to be a public utility service for the purposes of the said Act, for a period of six months from the 29th December, 1967;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 29th June, 1968.

[No. F. 1/39/68-LRI.]

#### ORDERS

*New Delhi, the 19th June 1968*

**S.O. 2282.**—Whereas a vacancy has occurred in the office of the Presiding Officer of the Industrial Tribunal with head-quarters at Delhi, constituted by the notification of the Government of India in the Ministry of Labour and Employment, No. S.R.O. 2389, dated the 10th July, 1967;



Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri R. K. Baweja as the Presiding Officer of the Industrial Tribunal constituted as aforesaid.

[No. F. 1/37/68-LRI/1.]

**S.O. 2283.**—Whereas a vacancy has occurred in the office of the Presiding Officer of the Labour Court with headquarters at Delhi, constituted by the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 782, dated the 1st April, 1959;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri R. K. Baweja as the Presiding Officer of the Labour Court constituted as aforesaid.

[No. F. 1/37/68-LRI/2.]

*New Delhi, the 20th June 1968*

**S.O. 2284.**—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the Calcutta Insurance Limited, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Dhanbad constituted under section 7A of the said Act.

#### SCHEDULE

Whether the under-mentioned persons are workmen of Messrs. Calcutta Insurance, Limited, Calcutta. If so, to what relief are they entitled and from what date?

1. Shri Marhaba Khan (*alias* Makbul Khan).
2. Shri Surendra Sah.

[No. F.25/15/68/LR-III.]

*New Delhi, the 21st June 1968*

**S.O. 2285.**—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers specified in Schedule I, in relation to the quarries of Dalmia Dadri Cement Limited, Charkhi, Dadri and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Ishwar Das Pawar as the Presiding Officer, with headquarters at Chandigarh, and refers the said dispute for adjudication to the said Tribunal.

#### SCHEDULE I

- (1) M/s. Dalmia Dadri Cement Limited, Charkhi, Dadri.
- (2) Shri R. C. Grover, Contractor.
- (3) Shri Ram Prakash, Contractor.
- (4) Shri Kishan Chand Contractor.
- (5) Shri Khub Chand Contractor.
- (6) Shri Behari Lal Contractor.
- (7) Shri Kanhaiya Lal Sethi, Contractor.
- (8) V. B. Chawla, Contractor.
- (9) Shri Suraj Bhan Babar, Contractor.
- (10) Shri Prabhu Dayal, Contractor.

C/o. The Manager, Dalmia Dadri Cement Ltd., Charkhi, Dadri (Northern Railway), Har-  
yana.



## SCHEDULE II

- (1) Whether the demand of the workmen engaged in the quarries of Dalmia Dadri Cement Limited for profit sharing bonus as well as production bonus for the years 1964 and 1965 each equivalent to 20 per cent of their total wages for these years is justified? If so, to what relief are they entitled?
- (2) Whether the demand of the loaders for payment of wages in full on the days when the employers fail to supply four or more wagons to be loaded is justified? If so, to what relief are they entitled?
- (3) Whether the demands of the workmen engaged in the quarries of Dalmia Dadri Cement Limited for 7 days' festival leave with wages and 14 days' sick leave on half wages (or seven days sick leave on full wages) and issue of leave cards to individual workers by the management at the beginning of every year are justified? If so, to what relief are they entitled?
- (4) Whether the demand of the workmen engaged in the quarries of Dalmia Dadri Cement Limited for gratuity on the same lines as is now being provided by the employers to their factory workers is justified? If so, what alternative Gratuity Scheme may be provided for them?
- (5) Whether the discontinuance by the employers of their practice of providing workmen with sarkies to build their huts and meeting the expenses incurred by them in shifting their luggage from place to place is justified? If not, to what relief are the workmen entitled?
- (6) Whether the demand of the workmen for supply of uniforms to quarry workers is justified? If so, to what relief are the workmen entitled?
- (7) Whether the action of the management in refusing to issue letters of appointment/removal to the workman concerned individually is justified? If not, to what relief are the workmen entitled?
- (8) Whether the demand of the loaders for extra wages for loading the wagons from a distance of 20 feet or more is justified? If so, to what relief are they entitled?

[No. F. 36/13/67-LRI.]

**S.O. 2286.**—Whereas an industrial dispute exists between the employers in relation to the Hongkong and Shanghai Banking Corporation, 31, Dalhousie Square, Calcutta-1 and the workmen represented by Hongkong and Shanghai Banking Corporation (Calcutta Branch) Employees' Union, 31, Dalhousie Square, Calcutta-1;

And whereas the said employers and their workmen have, by a written agreement under sub-section (1) of section 10A of the Industrial Dispute Act, 1947 (14 of 1947), agreed to refer the said dispute to Arbitration and have forwarded to the Central Government, under sub-section (3) of section 10A of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 1st June, 1968.

## (Agreement)

[Under Section 10A of the Industrial Disputes Act, 1947]

## BETWEEN

Names of the Parties:—

Representing employers:—

1. Shri J. Dilworth, Sub-Accountant, The Hongkong & Shanghai Banking Corporation, 31, Dalhousie Square, Calcutta-1.
2. Shri P. Mandal, Legal Adviser, The Hongkong & Shanghai Banking Corporation, 31, Dalhousie Square, Calcutta-1.



**Representing workmen:—**

1. Shri Subol Chandra Bhar, President.
2. Shri Sudhir Chandra Bhar, Secretary, Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union, 31, Dalhousie Square, Calcutta-1.
3. Shri Gauri Shankar, Member of the Working Committee, Bengal Bank Employees' Federation, 59-B, Chowringhee Road, Calcutta-16.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri N. K. Chaddha, Regional Labour Commissioner (Central), 12, Chowringhee Square, Calcutta-1.

- (I) *Specific matters in dispute.*—Whether the following workmen are entitled to special leave for absence on 28th February, 1968 in terms of the Bank's notice dated 19th March, 1968. List enclosed—Annexure-'A'.
- (II) *Details of the parties to the dispute including the name and address of the establishment of undertaking involved.*
  - (a) The Hongkong & Shanghai Banking Corporation, 31, Dalhousie Square, Calcutta-1.
  - (2) Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union, 31, Dalhousie Square, Calcutta-1.
- (III) *Name of the Union, if any, representing the workmen in question.*—Hongkong & Shanghai Banking Corporation (Calcutta Branch) Employees' Union, 31, Dalhousie Square, Calcutta-1.
- (IV) *Total number of workmen employed in the undertaking effected*—185.
- (V) *Estimated number of workmen affected or likely to be affected by the dispute*—13.

The arbitrator shall make this award within a period of six months from the date of publication of the arbitration agreement in the Gazette of India or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforesaid the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

**Signature of the Parties:—****Representing employers:—**

1. Sd/- J. DILWORTH.
2. Sd/- P. MANDAL.

**Representing workmen:—**

1. Sd/- SUBOL CHANDRA BHAR.
2. Sd/- SUDHIR CHANDRA BHAR.
3. Sd/- GAURI SHANKAR.

*Dated, Calcutta, the 22nd May, 1968*

**ANNEXURE A**

1. Din Mohd.
2. Mohd. Rafique
3. Mohd. Ali.
4. Mohd. Shafique.
5. Musaraf Hosain Khan.
6. Mohd. Habib Khan II.
7. Nisar Ahmed Khan.
8. Khalil Ahmed.
9. Mohd. Osman.
10. Mohd. Yasin.
11. Fatebahadur Khan.
12. Bimbahadur Das alias Bimbadhar Das.
13. Bhamra Nayack.



*New Delhi, the 22nd June 1968*

**S.O. 2287.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs A. K. Gupta's Mica Concern, Owner of Sqr. No. 35C Mica Mine, Post Office and District Hazaribagh and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Messrs A. K. Gupta's Mica Concern, Owner of Sqr. No. 35C Mica Mine, was justified in terminating the services of Shri Jugal Kishore Prasad, Manager with effect from the 7th February, 1968? If not, to what relief is he entitled?

[No. 20/4/68-LRI.]

**S.O. 2288.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Gua Iron Ores Mines of Messrs Indian Iron and Steel Company Limited, Post Office Gua, District Singhbhum and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the termination of service of Shri Nargevindram, Driver with effect from the 1st January, 1968 by the management of Gua Iron Ore Mines of Messrs Indian Iron and Steel Company Limited, Post Office Gua, District Singhbhum was justified? If not, to what relief is the workman entitled?

[No. 37/5/68-LRI.]

O. P. TALWAR Under Secy.

#### (Department of Labour and Employment)

*New Delhi, the 15th June 1968*

**S.O. 2289.**—The following draft of a scheme further to amend the Vizagapatam Dock Workers (Regulation Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 10th July, 1968.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### Draft Scheme

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1968.



2. In clause 30 of the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, in sub-clause (1) for the sentence beginning with the words "A worker in the reserve pool register" and ending with the words "minimum number of twelve days in a month", the following shall be substituted, namely:—

"A worker in the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs or to such other category as may be decided by the Board, even though no work is found for him for the minimum of twelve days in a month".

[No. 56/9/68/Fac.II.]

*New Delhi, the 19th June 1968*

**S.O. 2290.**—The following draft of a scheme further to amend the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1967, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th July 1968.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

#### *Draft Scheme*

1. This scheme may be called the Calcutta Unregistered Dock Workers (Regulation of Employment) Second Amendment Scheme, 1968.

2. In clause 14 of the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957—

(i) for sub-clause (3), the following sub-clause shall be substituted, namely:—

"(3) (i) A listed dock worker in any of the pools who fails to comply with any of the provisions of this Scheme, or commits any act of indiscipline or misconduct, may be reported against in writing to the Labour Officer.

(ii) The Labour Officer after investigating the matter may give him a warning in writing or suspend him for a period not exceeding seven days."

(ii) in sub-clauses (3-A), (4) and (5), the words "or the Personnel Officer, as the case may be," wherever they occur, shall be omitted.

[No. 628/45/66-Fac.II.]

C. RAMDAS, Under Secy.

**(Department of Labour & Employment)**

*New Delhi, the 17th June 1968*

**S.O. 2291.**—The following draft of a Notification which the Central Government proposes to issue, in exercise of the powers conferred on it by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948) is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 16th August, 1968.

Any objections or suggestions which may be received from any person in respect of the said draft before the date so specified will be considered by the Central Government.

#### *Draft*

In exercise of the powers conferred by sub-section (2) of section 26 of the minimum Wages Act, 1948 (11 of 1948) and in continuation of the Notification of



the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1713 dated the 5th May 1967, the Central Government, having regard to the special regulations that have been framed in respect of the service conditions of employees working in vessels shore-stations and survey parties under the Calcutta Port Commissioners, hereby directs that subject to the conditions hereinafter specified the provisions of sections 13 and 14 of the said Act shall not apply to the said employees for a further period of one year with effect from the 5th May, 1968.

2. The conditions referred to in paragraph 1 are the following, namely:—

- (i) the Port Commissioner shall publish the said regulations in a pamphlet form in the English language and in the language or the languages understood by the majority of the employees;
- (ii) before making any amendments to the aforesaid regulations, the Port Commissioners shall inform the employees concerned by notice, to be put up on the notice board of the office of the Port Commissioner of the proposed amendment and shall consider any suggestions that may be made in respect thereof within twenty days of such notice; and
- (iii) a copy of the pamphlet referred to in condition (i) above and a copy of every amendment thereto shall be supplied to each employee concerned.

[No. LWI (I) 8(1)/68.]

S.O. 2292.—The following draft of a notification which the Central Government propose to make, in exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 16th August, 1968.

Any objection or suggestions which may be received from any person in respect of the said draft before the date so specified will be considered by the Central Government.

#### *Draft Notification*

In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 1667, dated the 25th May, 1966, the Central Government hereby directs that for a further period of two years with effect from the 27th April, 1968, the provisions of sub-section (1) of section 13 and section 14 of the said Act, in so far as they relate to the regulation of daily hours of work and payment of overtime wages respectively, shall not apply to the pound keepers employed by Cantonment Boards, subject to the condition that the working day of a pound keeper shall be so arranged that, inclusive of intervals of rest, it shall not spread over more than twelve hours on any day.

[No. LWI (I) 8(2)/68.]

S. S. SAHASRANAMAN, Under Secy.

#### **(Department of Labour and Employment)**

*New Delhi, the 21st June 1968*

S.O. 2293.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Cottage Industries and Textile Training Institute, Nagpur, in an implemented area, exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period upto and inclusive of the 1st June, 1969

[No. F. 6(53)/68-HI.]

*New Delhi, the 22nd June 1968*

S.O. 2294.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard



to the location of the factory in the schedule below in sparse area in the State of Maharashtra, hereby exempts the said factory, from the payment of the employer's special contribution leviable under chapter VA of the said Act until enforcement of the provisions of chapter V of the said Act in that area:

#### SCHEDULE

S. No.	Name of Distt.	Name of Area	Name of the factory
1.	Chanda	Bhandak	M s. Prakash Tiles Works Nearby Station, Bhandak.

[No. F. 6(48)/68-HI.]

**S.O. 2295.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 2919 dated the 16th August, 1967, the Central Government, having regard to the location of the factory, namely, the Main Pumping Station, Ramnad Road, Madurai belonging to the Madurai municipality, in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under chapter VA of the Act for a further period upto and inclusive of the 30th May, 1969.

[No. F. 6(52)/68-HI.]

**S.O. 2296.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), No. S.O. 2452 dated the 13th July, 1967 and having regard to the location of the factory in an implemented area, the Central Government hereby exempts the said factory namely the Central Jail Factory, Vellore from the payment of the Employer's special contribution leviable under chapter VA of the said Act for a further period of one year with effect from the 24th June, 1968.

[No. F. 6(50)/68-HI.]

**S.O. 2297.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 2052 dated the 12th June, 1967, the Central Government, having regard to the location of the factory namely, the Government Regional Press, Tiruchirapalli, Madras in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under chapter VA of the said Act for a further period upto and inclusive of the 31st May, 1969.

[No. F. 4(49)/68-HI.]

**S.O. 2298.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), No. S.O. 2118 dated the 19th June, 1967, the Central Government having regard to the location of the factory, namely, the Government Photo Litho Press, Roorkee in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under chapter VA of the said Act for a further period upto and inclusive of the 14th June, 1959.

[No. F. 6(54)/68-HI.]

*New Delhi, the 24th June 1968*

**S.O. 2299.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2281,



dated the 3rd July, 1967 the Central Government hereby exempts the Government Text book Press, Mysore from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 29th June, 1968.

[No. F. 6(57)/68-HI.]

DALJIT SINGH, Under Secy.

## MINISTRY OF HOME AFFAIRS

*New Delhi, the 22nd June 1968*

**S.O. 2300.**—In exercise of the powers conferred by sub-section (2) of section 1 of the Indian Official Secrets (Amendment) Act, 1967 (24 of 1967), the Central Government hereby appoints the 10th day of July, 1968 as the date on which clause (b) of section 5 of the said Act shall come into force.

[No. 25/2/67-Poll.II]

T. C. A. SRINIVASAVARADAN, Jt. Secy.

## गृह मंत्रालय

नई दिल्ली, 22 जून 1968

**एत० प्र० 2301.**—भारतीय शासकीय रहस्य (संशोधन) अधिनियम, 1967 (1967 का 24) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार 1968 की जुलाई के 10वें दिन को उस तारीख के रूप में एतद्द्वारा नियत करती है जिसका उक्त अधिनियम की धारा 5 का खण्ड (ख) प्रवृत्त होगा।

[सं० 25/2/67-राज-II.]

टी० सी० ए० श्रीनिवासवर्दन, सहायक सचिव।

## MINISTRY OF FINANCE

(Department of Expenditure)

*New Delhi, the 13th June 1968*

**S.O. 2302.**—In exercise of the Powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F. 33(3)-R. II/44, dated the 16th April, 1945, namely:—

In paragraph 1 of the said Resolution after entry (xili), the following entry shall be added and shall be deemed to have been added with effect from the 17th day of October, 1967, namely:—

“(xiv) Workcharged establishment of the Mangalore Harbour Project.”

[No. F. 38(1)-E.V./68-I.]



**S.O. 2303.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F. 33(3)-R. II/44, dated the 16th April, 1945, namely:—

In paragraph 1 of the said Resolution after entry (xiv), the following entry shall be added and shall be deemed to have been added with effect from the 1st day of March, 1968, namely:—

“(xv) Workcharged establishment of the Tuticorin Harbour Project.”

[No. F. 38(1)-EV/68-II.]

R. P. CAPOOR, Under Secy.

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**(Department of Expenditure)**

*New Delhi, the 13th June 1968.*

**S.O. 2304.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution the President, after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following amendment in the Civil Pensions (Commutation) Rules, namely:—

1. (i) These rules may be called the Civil Pensions (Commutation) Amendment Rules, 1968.  
(ii) They shall come into force on the date of their publication in the official Gazette.
2. In the Civil Pensions (Commutation) Rules, in Part I of Form 'A', questions 9 and 10 shall be omitted.

[No. F. 2(5)-E.V./67.]

D. C. SEN GUPTA, Under Secy.



## (Department of Economic Affairs)

New Delhi, the 20th June 1968

S.O. 2305.—Statement of the Affairs of the Reserve Bank of India as on the 14th June, 1968

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . . . .	5,00,00,000	Notes . . . . .	14,79,88,000
		Rupce Coin . . . . .	2,96,000
Reserve Fund . . . . .	80,00,00,000	Small Coin . . . . .	4,64,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	131,00,00,000	Bills Purchased and accounted :—	
		(a) Internal . . . . .	
		(b) External . . . . .	
		(c) Government Treasury Bills . . . . .	140,26,75,000
National Agricultural Credit (Stabilisation) Fund . . . . .	25,00,00,000	Balances held abroad . . . . .	121,37,86,000
National Industrial Credit (Long Term Operations) Fund . . . . .	30,00,00,000	Investments** . . . . .	249,21,29,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	
		(ii) State Governments@ . . . . .	35,43,86,000
Deposits—		Loans and Advances to :—	
		(i) Scheduled Commercial Banks† . . . . .	125,28,57,000
(a) Government—		(ii) State Co-operative Banks†† . . . . .	136,71,75,000
(i) Central Government . . . . .	71,00,99,000	(iii) Others . . . . .	4,46,40,000



LIABILITIES	Rs.	ASSETS	Rs.
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(ii) State Governments	6,81,75,000	(a) Loans and Advances to :—	
		(i) State Governments . . . . .	31, 0,16,000
		(H) State Co-operative Banks . . . . .	12,31,85,000
		(iii) Central Land Mortgage Banks . . . . .	..
(v) Banks—		(b) Investment in Central Land Mortgage Bank Debentures . . . . .	7,93,62,000
(i) Scheduled Commercial Banks . . . . .	138,10,34,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks . . . . .	8,00,53,000	Loans and Advances to State Co-operative Banks . . . . .	6,31,18,000
(iii) Non-Scheduled State Co-operative Banks . . . . .	1,10,05,000		
(iv) Other Banks . . . . .	15,92,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others . . . . .	318,17,79,000	(a) Loans and Advances to the Development Bank . . . . .	6,08,92,000
Bills payable . . . . .	22,60,59,000	(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
Other Liabilities . . . . .	129,62,37,000	Other Assets . . . . .	74,60,64,000
Rupees	966,60,33,000	Rupees	966,60,33,000

\*Includes Cash and Short-term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 107,49,65,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 19th day of June, 1968.



An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 14th day of June, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion:—		
Notes in circulation . . . .	14,79,88,000		(a) Held in India . . . .	115,89,25,000	
	3374,81,21,000		(b) Held outside India . . . .	..	
Total Notes issued . . . .		3389,61,09,000	Foreign Securities . . . .	205,42,00,000	
			TOTAL . . . .		322,31,25,000
			Rupee Coin . . . .		69,25,16,000
			Government of India Rupee Securities		2998,04,68,000
			Internal Bills of Exchange and other commercial paper . . . .		..
Total Liabilities . . . .		3389,61,09,000	Total Assets . . . .		3389,61,09,000

Dated the 19th day of June, 1968.

L. K. JHA,  
Governor.  
[No. F. 3(3)-BC/68.]



**S.O. 2306.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clause (i) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the Bank of India Ltd., Bombay, till the 9th April, 1969, in so far as the said provisions prohibit Shri T. D. Kansara, its Chairman (Chief Executive Officer) from being a director of the Agricultural Finance Corporation Ltd., being a company registered under the Companies Act, 1956 (1 of 1956).

[No. F. 15(1)-BC/68.]

*New Delhi, the 21st June 1968*

**S.O. 2307.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Canara Bank Ltd., Mangalore in respect of the immovable property (comprised in C. S. Nos. 266 and 299 and measuring about 903 sq yards) held by it at Kazi Syed Street, Mandvi, Bombay till the 28th June, 1969

[No. F. 15(19)-BC/68.]

*New Delhi, the 24th June 1968*

**S.O. 2308.**—In exercise of the powers conferred by clause (c) of sub-section (1) read with sub-section (7) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby re-nominates the following persons as directors of the Central Board of the Reserve Bank of India with effect from the 1st July, 1968.

1. Shri G. Basu, 16/4 Guriahat Road, Calcutta-19.
2. Shri Arvind N Mafatlal, Mafatlal House, Buckbay Reclamation, Bombay-1.
3. Raja Ramdave Row, Shivanand Garh, 77, Begumpet, Hyderabad.

[No. F. 3(45)-BC/68.]

C. F. CHEREATH, Under Secy.

**(Department of Revenue and Insurance)****CUSTOMS***New Delhi, the 29th June 1968*

**S.O. 2309.**—In exercise of the powers conferred by sub-section (1) of Section 4 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (late Department of Revenue) No. 36, dated the 1st February, 1963, namely :—

In the said notification, in the entries against item (vii), in column 3, the entry "Deputy Collector of Customs and Central Excise, Goa" shall be inserted.

[No. 95/F No. 22/3/68-Cus.IV.1]

J. DATTA, Dy. Secy.

**(Department of Revenue and Insurance)****ORDER**

F.E.R.A.

*New Delhi, the 29th June 1968*

**S.O. 2310.**—In exercise of the powers conferred by clause (b) of sub-section (3) of section 23 of the Foreign Exchange Regulation Act, 1947 (7 of 1947), the Central Government hereby authorises the following officers to make complaints in writing



to any Court in respect of any offence punishable under sub-section (1A) of section 23 or of section 23F of the said Act, namely :—

- (i) All Deputy Directors of Enforcement, and
- (ii) All Assistant Directors of Enforcement.

[No. 3/68.]

R. C. MISRA, Dy. Secy.

**(Department of Revenue and Insurance)**

**ORDERS**

**STAMPS**

*New Delhi, the 29th June 1968*

**S.O. 2311.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby makes the following amendment to the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 8 dated 7th November 1960 namely :—

In the said notification, in clause (1), after the existing entries the following entries may be inserted, namely —

“(c) State Co-operative Banks

- (i) Central Co-operative Land Mortgage Banks or Central Co-operative Land Development Banks.”

[No. 10/68-Stamps-F. No. 1/43 66-Cus.VII.]

**S.O. 2312.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which all promissory notes to be executed by borrowers in India in terms of the French Credit for 1967-68, in favour of Banks in France are chargeable under the said Act.

[No. 11/68-Stamps-F. No. 1/32/68-Cus VII.]

**S.O. 2313.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the *ad-hoc* bonds to the value of rupees twenty-seven lakhs, to be issued by the Kerala Financial Corporation, are chargeable under the said Act

[No. 12/68/Stamps-F No. 1/33/68-Cus.VII.]

M. S. SUBRAMANYAM, Under Secy.

**COLLECTORATE OF CENTRAL EXCISE, WEST BENGAL, CALCUTTA**

**CENTRAL EXCISE**

*Calcutta, the 7th June 1968*

**S.O. 2314.**—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby authorise the Central Excise Officers of and above the rank of Assistant Collector of Central Excise to exercise within their respective jurisdiction the powers of the “Collector” under Rule 173E of the Central Excise Rules '44 in respect of the excisable goods notified under Rule 173A of the Central Excise Rules, 1944.

[No. 3/1968.]

D. P. KOHLI, Collector.



# OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE, SHILLONG

## CENTRAL EXCISE

Shillong, the 15th June 1968

**S.O. 2315.**—In exercise of the powers conferred upon me under Rule 5 of Central Excise Rules, 1944, I hereby empower the Central Excise Officers specified in column 2 of the sub-joined table to exercise within their jurisdiction the powers of the Collector under the Central Excise Rules enumerated in column (1) thereof subject to the limitations set out in column (3) of the said table.

TABLE

Central Excise Rules	Rank of officer	Limitations, if any
Col. (1)	(2)	(3)
Rule 52A (1)	Assistant Collector, Central Excise.	To authorise removals on documents other than gate pass in the statutory form in respect of the units working under the 'Self-removal procedure'
Rule 173-G(4)	Do.	To exempt the assesseees from maintaining the accounts in the prescribed forms if the assesseees already maintain satisfactory Private account from which all the required information is available.

[No. 4/68]

A. K. BANDYOPADHYAY, Collector

# COLLECTORATE OF CUSTOMS AND CENTRAL EXCISE, COCHIN

## CENTRAL EXCISE

Cochin, the 16th June 1968

**S.O. 2316.**—In exercise of the powers conferred on me under rule 5 of the Central Excise Rules, 1944, I hereby empower the Central Excise Officers specified in column 3 of the Table hereto annexed, to exercise within their respective jurisdiction and in relation to the assesseees governed by the provisions of Chapter VII-A of the said Rules, the powers of the 'Collector' under the provisions of the said Rule, shown against each Officer in column 2 of the Table.

TABLE

Sl. No.	Central Excise Rule Number	Collector's powers delegated to officers not below the rank of
1.	2	3
1.	52A(1) read with Rule 173G(2)	Assistant Collector
2.	53 read with 173G(4)	-do-
3	1/3 E	-do-

(Issued from file C. No. IV/16/156/68-Cx. I.)

[No. 3/68.]

D. N. KOHJI, Collector.



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**OFFICE OF THE COLLECTOR OF CENTRAL EXISE, MADRAS****ERRATA**

In the office of Collector of Central Excise Madras, Notification C. No. IV/16/69/68-SRPC, dated 23rd May 1968 published as S.O. 2054 and 2055 in the Gazette of India Part II Sec. 3-Sub. Sec (ii), dated the 8th June 1968, the following correction may be made :—

In the last line of the notification for the word "Controller" read the word "Collector".



